

PUBLIC WORKS

AND

PUBLIC TRANSPORTATION COMMITTEE

of the

SUFFOLK COUNTY LEGISLATURE

A regular meeting of the Public Works and Public Transportation Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on Tuesday, May 9, 2006.

MEMBERS PRESENT:

Legislator Jay Schneiderman • Chairman

Legislator Wayne Horsley • Vice•Chairman

Legislator Kate Browning

Legislator Edward Romaine

Legislator Ricardo Montano

Legislator John Kennedy

Legislator Louis D'Amaro

ALSO IN ATTENDANCE:

George Nolan• Counsel to the Legislature

Kevin Duffy • Budget Review Office

Charles Bartha • Commissioner • DPW

Richard LaValle • Chief Deputy Commissioner • DPW

Leslie Mitchel • Deputy Commissioner • DPW

Renee Ortiz • Chief Deputy Clerk • Legislature

Ben Zwirn • County Exec's Office

Gail Lolis • County Attorney's Office

Legislator John Kennedy

All Other Interested Parties

MINUTES TAKEN BY:

Donna Catalano • Court Stenographer

(* THE MEETING WAS CALLED TO ORDER AT 1:49 P.M.*)

CHAIRMAN SCHNEIDERMAN:

I'd like to call the meeting of the Public Works and Transportation Committee to order. If you all will rise and join us for the Pledge led by Legislator Kate

Browning.

SALUTATION

CHAIRMAN SCHNEIDERMAN:

Thank you all for coming out this afternoon. I have pretty busy agenda. I do have two yellow cards. If anyone else wants to speak in public portion, you need to fill out a yellow card, which are available at the front. We ask that you be brief, and then we'll be able to move to our presentations. We have a three minute time limit, so I'll ask the first speaker, Doug Cohen, to come forward.

MR. COHEN:

Thank you, Mr. Chairman, members of the board. My name is Doug Cohen, President of the Hauppauge Youth Organization. I'm speaking relating to item 1414•06, the appropriation of funds for the HYO Suffolk County Complex Field. We have distributed a handout in yellow, hopefully everyone has it. I'm going to following it closely at 15 seconds per page to keep under the limit.

Thirty years ago a group of dedicated led by Bill Link Of Hauppauge carved four baseball fields out of six acres of trees and swamps. From these humble beginnings, the HYO Complex was born. By the year 1999, the HYO Complex was showing its age. Twenty five years of use and thousands of kids later with little investment resulted in this once beautiful sports facility looking worn, dated and even unsafe by today's standards.

Around the year 2000, in an impressive showing of community support, HYO Baseball and HYO Football Boards worked together to conceive the new, revitalized HYO complex. The end result on the following page, what we call our Field of Dreams; four brand new baseball fields and a brand •• two football fields.

With the tragic death of Nicole Biondo in January of 2004, the Biondo family in a beautiful gesture of generosity called on the Hauppauge community to construct a facility in memory of Nicole. The Nicole Biondo Memorial Facility includes a modern concession stand, meeting room, storage and men's and women's restrooms.

In 2004, HYO Building #2 was constructed as a storage and maintenance facility to service the baseball and softball fields. Building 2 includes storage space for HYO Field maintenance vehicles as well as baseball and softball equipment. With the approval of the Suffolk County Department of Public Works, HYO cleared approximately 40 feet of front •• of scrub along the frontage of Kings Highway and expanded our parking capacity to 100 vehicles.

Our plan is to build the HYO Memorial Playground, which was conceived as a tribute to the youth of Hauppauge that have tragically lost their lives. The playground will offer a safe refuge for the many younger siblings of HYO athletes who often accompany their older brothers and sisters to their games.

Today HYO serves over 2000 children in the Hauppauge community providing high quality programs and facilities for HYO's baseball, girl's softball, football, cheerleading and basketball youth sports programs. Funding from Suffolk

County is paramount to the completion of the revitalization of the HYO Sports Complex. It is fitting that this tribute to the youth of our community sits at the base of one of the most visible signs of the Suffolk County Government, the Dennison Building.

We have included two pages of budgets. The point of those pages is to show you that we have fund raised ourselves in excess of \$230,000 towards this project. We've received at least 230,000 of in-kind donations from the community and to date, 200,000 DPW grants.

You'll see on the last page that we have, approximately \$120,000 of unfunded projects to complete this. And we are asking for you to approve the appropriation of the \$100,000 that Legislator Kennedy has applied for to allow us to complete this project. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Any questions? Legislator Kennedy.

LEG. KENNEDY:

Mr. Chair, as the sponsor of this resolution I guess I'd just like to share with my colleagues, this organization has absolutely gone well above and beyond, I guess, the call that we seek to have from citizen groups in order to go ahead and provide safe, reasonable, multi-seasoned recreational opportunities for hundreds and hundreds of children throughout the Hauppauge.

On any given evening, you'll see that there are all levels of baseball activities, they are involved with football. And it's been a real pleasure to work with an organization that has put in many, many hours of time, effort and sweat equity. And I think that it's definitely fitting to go ahead and provide them with the opportunity to culminate a multi-year initiative. That's why I was happy to go ahead and sponsor this.

I also know •• I just want to re•echo, I guess, what Mr. Cohen had mentioned, that there's been a good collaborative working relationship with our Department of Public Works. There's been oversight inspection throughout the course of this project, and the Commissioner confirms they have done an above beyond •• above board job.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy has informed me that there's a number of people who came down here today in support of this resolution and has asked me to take this out of order. If the committee would agree to that.

LEG. KENNEDY:

I'll make that motion.

LEG. ROMAINE:

Second.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Kennedy to Resolution 1414 out of order, seconded by Legislator Romaine. All in favor? Opposed?

Okay. **1414 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with improvements to the HYO Suffolk County Complex Field (CP 6503))** is before us. Motion to approve by Legislator Kennedy, seconded by Legislator Romaine. All in favor?

LEG. MONTANO:

Wait. On the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Montano.

LEG. MONTANO:

I'm just looking for the bill and the offset on this.

CHAIRMAN SCHNEIDERMAN:

Okay. The question is what is the offset. If we can hear from Budget Review.

MS. GAZES:

The offset is 1755.

LEG. MONTANO:

Which means?

MS. GAZES:

That's the infrastructure improvements for Health, Public Safety, it's a catch
•all project.

CHAIRMAN SCHNEIDERMAN:

What's the amount?

MS. GAZES:

100,000 I believe.

LEG. MONTANO:

I'm okay with the answer.

CHAIRMAN SCHNEIDERMAN:

Then I'll call the question. All in favor? Opposed? Objections? Okay.
Approved (VOTE:7•0•0•0).

LEG. KENNEDY:

Thank you. I appreciate the support of the committee. And thank you to the HYO for coming down today in support of this measure. This will be on the floor next Tuesday. It will be out in Riverhead, and we'll have the opportunity to speak about it. Thanks again.

MR. COHEN:

Thank you.

CHAIRMAN SCHNEIDERMAN:

Okay. Continuing with public portion, the second speaker is Julie Giff, if I'm pronouncing the last name right. Julie. Nobody is moving toward the speaker. Maybe I'm saying the name wrong, from Woodbury Road speaking on, I guess, a light. That was the woman who was here before. She came for a bill that actually was in Public Safety. Okay. So that concludes the public portion. We move to now to our presentations. I'd like to first bring up Jerry Bogaz from NYMTEC, New York Metropolitan Transportation •• what is the EC? We are all ears.

MR. BOGAZ:

Good afternoon, everyone. I guess I was asked to come to talk to you a bit about how federal dollars get into the metropolitan region for both transportation improvements and also to plan for transportation improvements and services. And you should have a blue packet, I hope, in front of you, which has a lot of information about the organization I'm here to talk about, which is the New York Metropolitan Transportation Council. And I'm going to be focusing in the right pocket on the copy of the quick slide show presentation that kind of describes the process.

Again, my name is Jerry Bogaz. I'm the Planning Group Director for NYMTEC. What NYMTEC is really is a regional council of governments. And the reason it exists is that in the federal legislation which makes money available for transportation improvements nationally, which is now a bill called the Safe, Accountable, Flexible, Efficient Transportation Equity Act, a Legacy for Users. That's the name of the current bill. I had nothing to do with that name. That bill basically makes money available, but it provides money to metropolitan regions and says to the regions, get together and plan how you're going to use this money, what are the improvements going to be, if you can show us that the region has consensus on that, we will make the money available. And that's why an organization like NYMTEC exists.

Actually, there are 350 organizations like NYMTEC in the country •• actually, it's more than 350 now. And we're known as the Metropolitan Planning Organization. So this regional council is made up in our region of New York City, two city departments, Department of City Planning and the Department of Transportation, five suburban County Executives, including Suffolk County, Suffolk and Nassau in Long Island, Westchester, Rockland and Putnam in Hudson Valley. The New York State Department of Transportation and the MTA, those are the voting members of NYMTEC. There are several advisory members also including agencies like the Port Authority of New York and New Jersey. Those members come together basically to approve a regional

Transportation Improvement Program and a regional plan, which is long range and a regional work program for planning.

Each of those documents identifies what the funding priorities are in a region both for improvements, for services and for planning. Those documents are developed through an overall process that is supported by the staff of NYMTEC, and I'm a member of that staff. And again, the approval comes from the consensus of the member agencies. Specifically in terms of planning dollars, there are a number of planning dollars that come into our region, about 17 million each year in new dollars. About 60% of that money goes to supporting the staff of NYMTEC. And the other 40% is passed through to the member agencies of NYMTEC, specifically New York City and the five suburban counties. So Suffolk County is involved in that planning program each year. And a portion of that money does come to Suffolk County each year as well as supporting studies that Suffolk County maybe interest in that may be done through the staff of NYMTEC.

Again, without this process, without this regional council, federal money would be eligible to come into our region. We also have to perform various air quality conformity analysis on whatever the programs and plans are to demonstrate that our region is •• in the future will be meeting air quality standards. And we're also mandated to forecast congestion into the future and to plan for how that's going to be mitigated. But the main •• the main thrust of the work of NYMTEC is the development of the three major products in the eligibility of federal money coming into our region.

Recently we've had a series of meeting of the principals of NYMTEC, and County Executive Levy has been involved in that as well as his staff. And regional principal discussions have been focused on major investments in our regions of which there's possibilities. So I don't have how much detail you want me to get into, but that's an overview of why the organization exists

and how the federal money comes into our region. I'd be happy to answer any questions about that.

CHAIRMAN SCHNEIDERMAN:

Where's the bulk of the money going now? What types of projects?

MR. BOGAZ:

Right. Well, right now our current Transportation and Improvement Program, which is five years is about \$30 billion. The majority of that money is going for state of good repair projects, basically maintenance projects for roadways and bridges, new transit equipment and so forth on, transit stations and so on. There's an enormous overhead in our region just to maintain the vast transportation system that already exists. The other 20% ••

CHAIRMAN SCHNEIDERMAN:

Is that different from the tip funding?

MR. BOGAZ:

That is the tip funding.

CHAIRMAN SCHNEIDERMAN:

That is the tip funding.

MR. BOGAZ:

There are a number of funding programs under the federal bill that are included in the tip, and it can be called generically the tip funding. But if a project •• if an improvement project or a service project is not on the tip, it's not eligible for federal funding basically. That's the federal requirement. So again, about 80% of that is •• approximately is for state of good repair. The rest goes mainly towards mobility projects, safety projects, so forth. That 30 billion is broken down, and the majority, obviously, is in New York City. I believe the Long Island portion is about two to three billion, and there's another billion, billion and a half in the Hudson Valley portion.

CHAIRMAN SCHNEIDERMAN:

Any questions?

MR. BOGAZ:

I should point out though, I think one of the reasons I was asked to come here was to talk about the planning monies, again, \$17 million come into our region every year for planning activities, of which that can be used for basically anything that's related to a federal planning or funding program. So there are decisions made on that also, and that's the annual work program that we file each year, which is a combination grant application and work program, not only for the work that the staff does, but also for work that happens at the level of each of the member agencies.

CHAIRMAN SCHNEIDERMAN:

And that's outside of the tip?

MR. BOGAZ:

That's in addition to.

CHAIRMAN SCHNEIDERMAN:

In addition to?

MR. BOGAZ:

Yeah. It's not for physical improvements or service improvements. It's for planning activities.

CHAIRMAN SCHNEIDERMAN:

We have a couple questions now. And also Cliff, who's Chair of the Public Transportation Advisory Committee is also •• so we'll start with Legislator Kennedy and then Legislator Romaine.

LEG. KENNEDY:

Thank you for coming, sir. I appreciate hearing about the workings of NYMTEC and as far as the planning goes in particular. Recently there has been a •• several projects that are either approved or in the pipeline in my Legislative District as well as some of my colleagues, some of whom are here and others not, that focus around the Southern Commack, Northern Deer

Park corridor. You may or may not be familiar with them; the Wolkoff Project, redeveloping Pilgrim State, the WalMart Project along Crooked Hill on Commack Road, the Tanger Project along the southern part of Commack Road, funneling what's expected to be a tremendous uptick in destination transportation off of those feeder roads onto the LIE.

There have been a variety of discussions that have gone on as of late about some opportunities with access road development for the intermodal facility and the possibility of spanning some of this to the north that would parallel Sunken Meadow Parkway. Legislator D'Amaro, myself, Legislator Montano and Legislator Stern attended a meeting, I believe it was last week, that was hosted by the County Executive. At that time one of the things that was discussed was an opportunity to become more involved with NYMTEC as far as focusing on a systemic type of a plan to address this significant increase in volume as far as traffic goes. My questions to you, I guess, are, A, have you heard anything or have we had any formal contact with the organization yet, and then secondly, what of some of your thoughts, I guess, from this regional planning level as far as where we might go with this.

MR. BOGAZ:

Actually, nothing formal has been proposed, that's correct, right? We are in discussion on that right now. So that can certainly happen. From a regional perspective, there's not much I can say about what the solutions might be at this point. I mean, that's what the planning work would be for. But it's clearly the type of multiple municipal, multiple jurisdiction regional impact item that you would want to use the federal money that comes in for planning for. That's what it's really for. I mean, we're trying to operate a regional planning program. Obviously, the region is subdivided into smaller regions, but we're looking at basically planning for impacts from development or other things that really cross municipal boundaries, may cross county boundaries and affect major arterials like the Long Island Expressway. So it seems to be the type of activity that would be worth doing through this

program, but that's the decision of the member agencies of NYMTEC ultimately to fund something like that.

LEG. KENNEDY:

Okay. Then I guess not to bore my colleagues, but I'll guess I'll go the next step since I'm always one who's up for education. How do we take this from discussion to a formal request that we engage your expertise as far as commencing this planning component?

MR. BOGAZ:

I believe the County's representatives on our board and two of our working committees are, in fact, doing that right now, discussing the possibility of this study and then, you know, creating the information that we need to take it to a vote of the members.

LEG. KENNEDY:

And is that how a project actually winds up becoming embraced or accepted? It is a proposal from the members and then •• NYMTEC is comprised of representatives from all of the surrounding counties as well as standing members, is that the case?

MR. BOGAZ:

Well, the standing members are the counties and New York City as well as the MTA and New York State DOT. The money that comes in for planning activity basically is managed by the body, it's managed by the organization.

So what happens is each year we have a period of program building as we call it in the fall where the members basically take public involvement, public input and then get together and state what they think needs to be done with the various pots of money for planning. Ultimately that's put together after discussion into a program, a work program each year. That can be amended in special case if something arises during the course of a year. But that's cycle happens each and every year.

LEG. KENNEDY:

So you have an '06 work program in place right now.

MR. BOGAZ:

Correct.

LEG. KENNEDY:

And we can elect to go ahead and see if we can go ahead amend that '06 or make an attempt to go ahead and have this initiative included in an '07.

MR. BOGAZ:

Either way. And you can certainly propose an amendment, at which point it would go before the before the other members.

LEG. KENNEDY:

And our Suffolk County NYMTEC reps are who, Mr. Isles and Mr. Bartha?

MR. BOGAZ:

Specifically it's Mr. Shinnick on behalf of Mr. Bartha and Mr. Isles also participates in the discussions.

LEG. KENNEDY:

Great. I'll take this up with them. Thank you very much.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine.

LEG. ROMAINE:

Thank you for attending. Happy to learn about the workings or your organizations. Now, you put out a work plan every year, is that a matter of public record?

MR. BOGAZ:

Yes.

LEG. ROMAINE:

And is it possible that you could forward a copy of that work plan as it relates to Suffolk County to our Chairperson who could then distribute it to us?

MR. BOGAZ:

Sure.

LEG. ROMAINE:

Great. And that work plan, that's devised by your board?

MR. BOGAZ:

It's adopted by our board.

LEG. ROMAINE:

Okay. And they have input into that, they obviously, the board when they consider the work plan, I assume your staff prepares a proposed work plan and then the board would investigate and eventually adopt, amend, change, whatever, but it gets adopted that way.

MR. BOGAZ:

Actually the staff prepares a proposed work program for the staff, and the staff has done a small number, we're about 60 people that support this entire process. And then the member agencies who receive pass-through monies prepare their own proposals for what they would like to do within their own jurisdictions. And the only caveat is that to the greatest extent possible what the federal oversight agencies are looking for is that activities relate to regional transportation planning as defined in the regional long range plan so that it's not every last transportation need necessarily that could be funded this way, but if it's related to regional transportation plan, then it's eligible.

LEG. ROMAINE:

And that includes mass transportation.

MR. BOGAZ:

Absolutely. All modes. All modes except aviation.

LEG. ROMAINE:

All modes except aviation.

MR. BOGAZ:

Right.

LEG. ROMAINE:

And we can •• can we have not only have access to the work plan for 2006, could we have access to what the recommended work plan from the Suffolk representatives are?

MR. BOGAZ:

I can check and see.

LEG. ROMAINE:

Yeah, because I'd like to see, you know, what Suffolk recommended and what eventually was adopted and what wasn't adopted so we can have a better understanding of where we stand in terms of planning and how that broke down in terms of, you know, roadways mass transit, etcetera, bike paths, whatever else and the impact on •• do you deal with the impact in terms of pollution from vehicles?

MR. BOGAZ:

We do on a regional level basically. Before these plans and program can go forward, we have to quantitatively demonstrate for the entire regional how •• what the results would be in terms of mobile source emissions.

LEG. ROMAINE:

Aren't we a high area for mobile source emissions vis a vis other parts of the country?

MR. BOGAZ:

We prefer to call it a non attainment area, but yes.

LEG. ROMAINE:

We're a non attainment area.

MR. BOGAZ:

So we have to demonstrate how we go to attainment standards in the future.

LEG. ROMAINE:

Obviously, I would think then that being a non attainment area that puts burdens that perhaps you can't speak about, but the Executive could speak about in terms of requirements that we have to meet as a County in terms of getting other types of federal aid and showing and demonstrating how we're trying to become an attainment area, how we're trying to meet the standards of lowering emissions.

MR. BOGAZ:

Yes. All the NYMTEC members basically have to work together to show that, and if it's not possible to show that in a quantitative sense, about 60% of the funding would cease, funding related to anything that's considered to be not exempt under the Clean Air Act.

LEG. ROMAINE:

So I would assume that Suffolk representatives have called for more mass transit.

MR. BOGAZ:

Suffolk representative have explored all aspects of emission reduction planning as part of this process.

LEG. ROMAINE:

Great. I appreciate you forwarding your work plan and then forwarding the recommendations into your work plan from the Suffolk representatives. That would be very helpful to examine both of those together. Thank you.

MR. BOGAZ:

Thank you.

CHAIRMAN SCHNEIDERMAN:

I know the road in particular that Legislator Romaine is thinking of. And in my case it's a slightly different road that seems to be causing most of the problems in my neck of the woods. And I know you are very familiar through the whole SEED process. County Road 39 continues to perplex me in a sense. I drive by almost every day, and it's a parking lot. It's backed up for miles and miles and miles. The tip funding is inadequate to address that road. The County has lots of other places that it needs to spend money. Can

you give me some guidance, some way, is there another funding source, is there a way to get money so we can fix that road so we can get the economy of the East End moving again? It's very frustrating.

MR. BOGAZ:

First of all, through SEEDs, I know something about the history of that and I understand the frustration. The fact that there's a \$30 billion tip for five years for our region seems that's it's an enormous program, and it is, but relative to the needs, it's probably a half to a quarter of what we might need to do everything that needs to be done, so competition for the tip money on a regional basis is very, very steep.

There are numerous funding sources that SafetyLu makes available that could be potential sources for the type of work you are talking about. The SEEDs process also developed a couple of possible operation improvements that might apply that need to be explored as part of the implementation of SEEDs. So I would say that although there's no way to guarantee that any funding can be set aside for a specific project in a region as complex as this with thousands of projects, there are number of a sources that could be drawn from potentially within the regional competition to address some of those on County Road 39.

CHAIRMAN SCHNEIDERMAN:

Any in particular that jump out in your mind?

MR. BOGAZ:

Well, I think the Congestion Mitigation Air Quality Program is always a potential source. There are issues with the jurisdiction of County Road 39, since it is a County road and what it's eligible for. I would say a program like the National Highway System might be employed, but the roadway itself has to be part of the National Highway System. I'm almost certain the County Road 39 is not.

CHAIRMAN SCHNEIDERMAN:

Would it help if let's say it suddenly became part of the State Highway System, does that make it eligible for more federal funds?

MR. BOGAZ:

It would therefore •• well, I'm not sure. That's a good question. I think the answer is yes, not specifically to the National Highway System.

CHAIRMAN SCHNEIDERMAN:

I can't see a little six mile stretch becoming part of the National Highway System.

MR. BOGAZ:

It's not going to happen probably. But there are about two dozen funding programs within SafetyLu for various different types of improvements. Many of them focus on roadways.

CHAIRMAN SCHNEIDERMAN:

Can I ask too about your organization and our public transportation system in terms of coordination, what more can be done to help us plan coordination of that bus system?

MR. BOGAZ:

Well, actually, in the past several cycles of the Unified Planning Work Program, which is what we're discussing, Suffolk County has been using federal dollars on planning activities for the bus system. And certainly an effort like SEEDs, which was federally funded speaks to a chunk of the service area that Suffolk County Transit supplies. So there's a number of things that have happened in recent years that have been focused on mass transit. This is by no means only a roadway program, not all. And even the state of good repair part of it, which you think would be all the roads and bridges is all the transit equipment and facilities at the same time also.

So I think Suffolk County has been using the federal dollars aggressively to look at public transit services. The issue becomes one of operating assistance really, is what it comes •• what it becomes, because federal dollars are available for the capital side, but the Federal Government does not participate in operating assistance at this point. So each local jurisdiction has to meet the federal dollars for capital with the ability to put out operating assistance out to provide additional service if that's what you want. There are funding programs like SEMAC that can be used as SEED money for operations for a period of time of three years, up to three years, but after that can no longer be used to assist in the operation of a service.

CHAIRMAN SCHNEIDERMAN:

But there is money for capital. So if we needed more buses, that's something we could apply for?

MR. BOGAZ:

Absolutely. And you actively do actually. That's where your money •• a lot of your money comes from the federal sources for the buses that you have and purchasing.

CHAIRMAN SCHNEIDERMAN:

Let me recognize Cliff Hymowitz, who's the Chair of the Public Transportation Advisory Committee. Briefly.

MR. HYMOWITZ:

The question is that, Jerry, is this money potentially going to be used to look at human services transportation coordination? For example, the fact that seniors cannot get to medical facilities outside their towns, because town transportation always stays within their limits. Can this be used to do a feasibility study on human service transportation coordination?

MR. BOGAZ:

Right now there is a new series of programs under SafetyLu that deal with this area. It is eligible to use federal planning dollars to look at that whole situation. These are new requirements that are coming down through SafetyLu to look at coordinating human services. It's not clear what the role of NYMTEC is in this process yet. We're waiting for federal guidance and/or

regulations to be drafted to specify exactly how •• who has jurisdiction over what, but it is a new area under SafetyLu.

MR. HYMOWITZ:

But there's money now available to do a planning study, to do the feasibility without SafetyLu?

MR. BOGAZ:

All the money •• well, again, I go back to the fact that whatever monies are used in this process that are federal have to be related to the regional transportation planning. Have to be specified in the regional plan. All the money that we have gotten to date has been programmed. Again, we get about \$17 million every year into the entire region. So starting in October 1st 2006 •• I'm sorry, April 1st 2007, I think the answer to you question yes, but the money that's there now is pretty much spoken for.

MR. HYMOWITZ:

So there's no money that can be redirected at this time to do a feasibility study on human service transportation coordination in the County of Suffolk?

MR. BOGAZ:

We've identified money regionally to do •• that we're holding as a possible use for doing this regionally depending on what happens with the federal regulations and whether or not they specify that organizations like NYMTEC should do that level of funding in our region. But that regionally, that's not

just for Suffolk County. That money has been identified and is available once the regulations are passed.

MR. HYMOWITZ:

Just one last question. I'm talking about funding, like, that supported SEEDs, okay? To support a program on a much broader basis that focuses on the five eastern towns. So what I'm questioning •• I'm asking you is there money available and when would it be available and how would the County access it in order to do a County•wide human service transportation coordination plan for •• it can be primarily focused on seniors, okay? But I'm talking about a SEEDs type project, not something new coming out of SafetyLu.

MR. BOGAZ:

So right now the answer is no, unless something is amended, because all the money is programmed. Starting with the next round which becomes effective April 1st, 2007, there's new money coming into the region, sure it could be used for that purpose.

MR. HYMOWITZ:

So can you just explain quickly to the members how they would go about •• what process they would go through to get it requested.

MR. BOGAZ:

I think I did actually. Basically Suffolk County is part of the process of

developing the work programs. You are at the table. You know, the County Executive is a member. So in developing the next work program, certainly you're looking to amendment one, the County has the ability to come to the other members and say, this is what we would like to do. Ans then it has to go through the due diligence of the entire group, but that's always possible.

CHAIRMAN SCHNEIDERMAN:

All that infrastructure money we talked about, new buses or whatever it might be, that's all through tip?

MR. BOGAZ:

Correct. And that's on the physical capital side.

CHAIRMAN SCHNEIDERMAN:

All right. Because there's •• I know you are familiar with the whole SEEDs process. And one of the ideas that got kicked around, I don't know how formally, but is this idea of an on•demand type of van service. There are certain areas on the East End and probably elsewhere in the County where it's difficult to reach people by bus because of the way housing is laid out, and it's just not economical to bring buses anywhere near them, so their taking taxis just to get to the bus station, those who are using it. There's been some thought that maybe rather than running the Blue Buses in certain areas, maybe focusing on more central routes and picking up some of the other people through an on•demand van type of system, dispatchable GPS kind of thing. To get a program like that going, we obviously need a bunch of vans and the GPS equipment. That's something that would have to be done through a grant from NYMTEC, and we'd have to do it by putting on out tip first?

MR. BOGAZ:

Right. And again, the federal programs don't work as grants specifically. It certainly wouldn't be from NYMTEC, it would be a grant from the Federal Transit Administration. But potentially you could get federal money to purchase the vehicles that will provide that service. In terms of how the service would be put together, that's an important recommendation of SEEDs, and it needs to be •• that's one of thing in the implementation process, the feasibility of that and different types of business models you could put together for that type of service really needs to be looked at closely. So you have the whole operational side, would the County be able to contract with provider to provide that service, and then there's the physical side.

CHAIRMAN SCHNEIDERMAN:

Right. So should it really first start with a study on the issue, find out how many people would use it, what fees would be? That could be done through the ••

MR. BOGAZ:

Planning process.

CHAIRMAN SCHNEIDERMAN:

Through the planning process funds, which are available. And then should it proof that it made sense, then you would have to go for the tip money.

MR. BOGAZ:

I hesitate to use the word study only because that implies another three years of detailed technical work. And it may not require that, it may require a group of people sitting down saying what are the different ways we can we do this and assessing the feasibility that way. Or it may require a formal study. But it is something that could be developed in the planning process.

CHAIRMAN SCHNEIDERMAN:

Any other questions for Mr. Bogaz? Okay. Thank you. I don't know if Bob Shinnick wants to coming up and address any of these public transportation issues that are arising. Jerry, before you sit down, Bob Shinnick from our Suffolk Transit is here. And some of the question were directly having to do with public transportation. I wanted to give Bob an opportunity to speak.

MR. SHINNICK:

Thank you very much, and good afternoon. I's just like to talk a short bit about some of the items that were just brought up. Regarding the last issue of planning, as some of the Legislators may know, we are in the process of awarding a contract to a consulting firm to do a comprehensive analysis of the County bus system. It's going to be looking carefully at the changing demographics of Suffolk County as well as the land use patterns and how bus services can be more appropriately applied to what the actually travel needs are of the community.

By reference, we've been doing and participating in planning with NYMTEC and other plans that have been specifically directed to Suffolk County needs

for several years now, and they have provided us a valuable base for starting on this new planning effort. It will look at things like density of an area and whether or not fixed route versus some form of flexible service which could be paratransit or on-demand type of a thing. That's all part of this study. That money is federally funded 80%, 10% state and 10% County. So if you're wondering where you might want to get the money to do this, we have something in place currently. And I think it's going to be a very, very valuable and productive service.

CHAIRMAN SCHNEIDERMAN:

Bob, have we chosen the firm yet?

MR. SHINNICK:

We're in the process of making the award now?

CHAIRMAN SCHNEIDERMAN:

Who will make that award.

MR. SHINNICK:

That's through my Commissioner, Charlie Bartha.

CHAIRMAN SCHNEIDERMAN:

Okay.

MR. SHINNICK:

We are in the process right now.

CHAIRMAN SCHNEIDERMAN:

So we won't •• as a committee, we have no say in who gets selected? Do we get a chance to look at the various proposals?

MR. SHINNICK:

What will happen is once the contract is awarded, we are going to have a very robust public input process into the whole process of the study itself. So any Legislator that's interested in how the final scope is going to be defined in any of that, by all means ••

CHAIRMAN SCHNEIDERMAN:

Once the firm is chosen, I would like an opportunity have that •• you know, the head •• the head contractor, the head person, person in charge of the study come before us.

MR. SHINNICK:

Absolutely. We'd be happy to arrange that for you.

MR. SHINNICK:

With regard to the Hauppauge and Brentwood area, the growth that's going on there, that is part of the regional transportation plan that Jerry Bogaz has referred to, in fact, NYMTEC adopted a plan last summer for the entire regional. It's a 25 year plan that does encompass all of the counties and New York City.

Part of that plan, which is a living document, it's something that can be formed and refined as we go forward has more recently been the principals, meaning the County Executives, have been participating in identifying specific areas within the counties that are very important and likely to incur a lot of growth. This particular area is part •• is indeed the single most growth area that we've identified as part of that planning process. And what we're doing now, and the reason Jerry said we haven't done anything formally, is we are in the process of formulating a proposal to the work program that would encompass a very careful and appropriate look at all of the growth incurring in that area as part of the study, transportation study.

LEG. KENNEDY:

Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

Yes, thank you. Legislator Kennedy.

LEG. KENNEDY:

I'm glad to hear that, Bob. It is something that certainly, you know, your department is well aware of as are several of us who sit here from the civic association meetings and other meetings that we have been at recently which have been pretty vociferous.

Planning by nature, I guess, is something that is •• requires time and requires skill, knowledge and expertise. I certainly am a supporter of comprehensive planning, however, at the same time, I guess, I just want to sensitize to you what you know already, which is WalMart is scheduled to open in July, Tanger just got approved with an estimate of eight to nine million additional destination trips traveling over the Commack Road to the LIE corridor, Wolkoff is looming on the horizon, and we have an area •• a mixed residential•commercial area that's feeling a tsunami now. So, I guess, I say to you I'm hoping that your review, planning and efforts are going to result in a request to amend the '06 working plan so that we get in regional agency and all of its expertise engaged sooner rather than later. That's from where I live.

MR. SHINNICK:

That's exactly what we plan to do. That's why I've had discussions with NYMTEC even today and last week, we're trying to fast track this so that we can get the work on to the work program as soon as possible, this current year.

LEG. KENNEDY:

So we can except that we may be hearing something from the organization within the next short time period that we've had that amendment to '06 and

that we're engaging them for the recommendation process? Because I imagine that the planning piece is critical to then securing some of the necessary funding which runs all up to a federal level to go ahead and accomplish some of these fairly ambitious things we are discussing, access roads and things such as that, like extension of the Service Road for the LIE on the south side from Commack Road over. Some of the work that's got to be done that will be really massive, as far as amending the bridges and clover leafs in order to accommodate this major uptick in traffic; is that correct?

MR. SHINNICK:

In general, absolutely. You know, what we want to do is, recognizing that all of these things are happening, is secure some funding and to get process under way so that we can get a total look at what's happening and begin to come back with some ways of mitigating what problems may exist.

LEG. KENNEDY:

Forgive me, because I feel like that this is Transportation 101 again. However, does a NYMTEC recommendation •• is that something that is part of or a predicate to accessing federal highway administration funding or whatever the federal funding stream is?

MR. SHINNICK:

The NYMTEC process is part of the overall avenue to getting federal money, absolutely. In terms of the planning activity I'm addressing now, we will propose to NYMTEC what we want to do in the short term, and hopefully there will be a consensus among the other members to allow us to do that.

I don't foresee any problem with that. That will get the study going. Anything that involves federal money has to be part of the overall regional plan, it has to be put on the tip. And it's •• certainly to get to those areas, it may require partly to be part of the work program.

LEG. KENNEDY:

Now the '07 federal budget, I guess, commences in October of this year.

MR. SHINNICK:

Well, that's federal money. The NYMTEC •• you are correct, I'm sorry.

LEG. KENNEDY:

So we would hope, I guess, that there would be at least some of the planning or recommendations in place that we may have some opportunity to go ahead and raise to that level for the '07 federal budget. Is that something that's achievable or doable?

MR. SHINNICK:

I couldn't answer you except to say that we're going to try to do this as quickly as possible. Literally, October is months away. NYMTEC is also starting the tip process for the next go•around •• next five year tip, which will begin for scheduling money, I believe, in '08. So there is some time. But in terms of what is going on, there's not a lot of time. And in terms of getting funding for these projects, we want to move as quickly as possible.

LEG. KENNEDY:

I appreciate that. And, I guess, I'm just taking the opportunity one more time to sensitize it to you. If I sit with a straight face and tell an audience full of residents who are being impacted by traffic that we have hopes to go ahead and achieve some meaningful planning in five years, they will run me out on a rail. So that's from where we live. Thank you.

CHAIRMAN SCHNEIDERMAN:

Anyone else? Legislator Romaine.

LEG. ROMAINE:

Good afternoon. Possibly you could tell me where County Road 58 is on this •• in the five year work plan to you talked about.

MR. SHINNICK:

That answer I'd have to defer to my colleagues with the Highway Department or the Commissioner.

LEG. ROMAINE:

I'll raise the question now. They are all here. I'm sure they will be happy to join us.

MR. HILLMAN:

I'd have to get back to you on that. I don't have that information with me.

LEG. ROMAINE:

Okay. Can I expect a call maybe tomorrow afternoon?

MR. HILLMAN:

Certainly.

LEG. ROMAINE:

I appreciate that. Thank you. Let me raise some other questions which aren't related to Bill, but to yourself. And those questions deal with planning. I mean, three years ago I sat down with the guy that is looking to convert Pilgrim State into a model city, and he was telling me all of his plans and laying out his ideas. I'm sure WalMart just did not appear out of the blue. And I'm sure Mr. Tanger who has a mall in my district, but now wants to build a mall in Deer Park, his plans didn't evolve out of the blue. I'm sure that these have been in discussions for years, at least the last five years, that these are not new projects, that they've come before several town agencies in the various towns in the tri•hamlet area, and they've been discussed. And yet, I hear Legislator Kennedy's pain when he is asking what happened to the planning, why are we looking at this now, where have we been.

I mean, I know our County Planning Director and our County Planning

Commission follow and monitor the activities of the planning boards of the various ten towns and the villages of this County and that they are aware of projects coming down the pike. But here we are at this hour and time •• my district is out east, but you should see my e•mail from all these people up west. I'm getting bombarded with e•mail, and I try to answer all of my e•mails. I'm saying to myself, just as an observer of County Government for the last 21 years, how did we let this happen? Why are we dealing with this now? Why wasn't this dealt with five years ago? Where is our planning agencies? Where is the alert that's going off? Why are we dealing with this now? That's my question.

CHAIRMAN SCHNEIDERMAN:

You want somebody to answer it or is it rhetorical?

LEG. ROMAINE:

It's not a rhetorical question, because I'm going to ask that. You know, look, it's not my district so I can go away today and be more or less relieved, but it involves other people's districts. I have to tell you. It's looks like someone, someone or a group of someones, you know, dropped the ball. And, you know, Legislator Kennedy, Legislator Stern.

CHAIRMAN SCHNEIDERMAN:

You ask a rhetorical question, maybe it's not rhetorical. If there's somebody, Commissioner Bartha or someone else who wants to offer a quick response.

COMMISSIONER BARTHA:

We've worked with the towns other several years with these projects and are continuing to work with the towns. We have long lists of mitigation measures that we have recommended to the towns and the developers are agreeing to and are, in fact, implementing. As far as why these projects are being built, you will have to ask the towns those questions.

LEG. ROMAINE:

It's not why the projects are being built. Obviously, those powers lie with the towns. The County has monitored what the towns are doing. I'm sure the County Planning people have monitored that. It's the question of how it impacts the County portion of the infrastructure, and the major spine of the infrastructure seems to be CR 4, which I believe is Commack Road.

And people are complaining about traffic on this road now. And you have to ask yourself, okay •• look, I remember being in the Legislature 20 years ago. You know what CR 4 was for us? It was a Capital Project that we knew we could raid for other things because it was never going to get done. I remember doing that. I remember the people around this horseshoe doing exactly that. CR 4 was a project that was raided as offsets 20 years ago in this Legislature. And it was scheduled to go forward then, and it did not go forward then.

CHAIRMAN SCHNEIDERMAN:

We need to move along here.

CHAIRMAN SCHNEIDERMAN:

End of questions.

LEG. KENNEDY:

Mr. Chair, I know we need to move to the agenda, however, I'm just ask one other person to join the table, he just came up front, Mr. Isles. Some of the things that Legislator Romaine says are quite cogent, however ••

CHAIRMAN SCHNEIDERMAN:

I'm going to ask you to do that through the Chair, okay?

LEG. KENNEDY:

Mr. Chair, could we please ask Mr. Isles just to comment briefly on some of what's been talked about as far as bringing this matter to NYMTEC's ••

CHAIRMAN SCHNEIDERMAN:

I'm not sure for how long Mr. Isles has been in the room and whether he's prepared to comment at this point. Do you need some background ••

DIRECTOR ISLES:

I have been in the room. Obviously, the topic we're talking about is large. And in terms of •• I guess, your question to me then is to react to Mr. Roamine's comment then.

LEG. KENNEDY:

No, not so much ••

CHAIRMAN SCHNEIDERMAN:

If you could more precisely state the question •• I think it would be appreciated if you could precisely state the question you are seeking an answer to.

LEG. KENNEDY:

Okay. I'll try to make it simple and two part. One, you were there at the meeting as we all were two weeks ago, you were charged with a couple of different tasks by the County Executive, one of them being the meetings with the various town planners and the short term recommendations. But I've also heard from Mr. Bogaz and Mr. Shinnick that planning is part of the NYMTEC process as well. So I guess I'm just asking you, do you have a good sense of what it is that needs to be brought to the NYMTEC level at this point to move this initiative at that higher level as well to engage NYMTEC?

DIRECTOR ISLES:

Yes. We've definitely been working with the Department of Public Works as Bob Shinnick has indicated in terms of the additional planning money that we think necessary here in terms of the recent approval of the Tanger Project, the pending Pilgrim Project, which is going to dwarf all these other projects. So we have been working closely with Public Works on that.

In terms of your question, do we have what we need to submit that proposal to NYMTEC for that planning money, I believe we do have the information necessary for that. And here again, that becomes the key for further infrastructure improvements and so forth that can happen as a result of that. The meeting we had with the County Executive where certainly you attended and the Town Supervisors occurred a week ago yesterday, we do have a meeting now scheduled with the for Town Planning Directors, with the Department of Public Works that we're scheduled to meet next week. So that is also going well at this point. And we'll certainly keep you posted on that.

LEG. KENNEDY:

Please let me know when that meeting is. I'd like to be able to go ahead and just sit in if I can for a brief time as a silent observer.

LEG. KENNEDY:

Thank you. Thank you, Mr. Chair.

CHAIRMAN SCHNEIDERMAN:

I want to switch topics for a second at the request of our Vice•Chair. Legislator Horsley wanted to bring something to the attention of the Commissioner. I'd like to take this topic on, and then we'll come back and we'll continue with Clifford Hymowitz talking about Public Transportation issues. So, Wayne, you have the floor.

LEG. HORSLEY:

Thank you, Chairman Schneiderman, for allowing me a few minutes here and the committee, because it may take more than a few minutes now that I'm thinking about it. This is concerning the Southwest Sewer District and the •• and the privatization plan that is before us and before the budget process.

First, let me thank the Commissioner and Ben Wright and Dave Crole and others for assisting me in my due diligence as that is the present position which I am at now in seeking out information on this perspective proposal. I just want to let you know up front that I have grave concerns, as you know, on this proposal to create a public•private incinerator sewage burn plant on the Great South Bay.

I believe this to be a financial scheme which is intended to privately incinerate all of Suffolk sewage and as we may learn that it may or may not be intended to burn Nassau County's sewage as well. I thought maybe we'd start with •• because I know some of the members on this august board has not seen the Bergen point Plant, and I just wanted to get a feel for that so that they understand what the Bergen Point plant looks like. Commissioner, in proximity to residents, what would you say? And these are simple ones, I'm going to get into the actually plan itself in a second.

COMMISSIONER BARTHA:

It's very close to a very nice neighborhood.

LEG. HORSLEY:

Good. The proximity to the Great South Bay?

COMMISSIONER BARTHA:

It's right on the bay.

LEG. HORSLEY:

How about parks, proximity to parks?

COMMISSIONER BARTHA:

It's adjacent to the Bergen Point Golf Course. In fact, that property was taken at the same time.

LEG. HORSLEY:

Right. Is it also true that there's a park across the river there which is within a couple of hundred yards, Venetian Shores Park, which the town just invested many dollars in with a spray park and things like that? It's an activity area, I think we're fairly in agreement with that.

COMMISSIONER BARTHA:

Yes.

LEG. HORSLEY:

Please describe to me Bergen Avenue.

COMMISSIONER BARTHA:

Bergen Avenue is a two-lane road, which leads from Montauk Highway down to the Bay and at the foot of Bergen Avenue is treatment plant.

LEG. HORSLEY:

Right. Okay. And recent years we have •• and I think everyone agrees •• residents in all, the County has been good neighbor and that our plant employees have been concerned with residents and the parks and everything else like that, that this is •• that this is •• that they've been a good neighbor and a good plant operation, would you agree with that at this point in time?

COMMISSIONER BARTHA:

That's absolutely our goal, and I'm glad to hear that you and the community feel that way as well.

LEG. HORSLEY:

Thank you. So let's discuss the first •• the present truck traffic that goes to the Southwest Sewer District Plant, and then we'll maybe just project into the future the numbers in which you would project as far as sewer trucks into the

future. This two-lane highway that you speak of •• this two-lane road going through a residential neighborhood on the Great South Bay, how many trucks would you say presently go there in a given day?

COMMISSIONER BARTHA:

The scavenger waste haulers?

LEG. HORSLEY:

Scavenger waste, yes.

MR. WRIGHT:

It varies from 90 to 110 per day.

LEG. HORSLEY:

Knowing that Suffolk has a population now of, what, 1.5 million •• and I frankly am a pro-sewer people, I understand why sewers are needed, and I would anticipate that sewer systems in Suffolk County will grow, would you agree with that?

COMMISSIONER BARTHA:

Yes. They are growing, in fact, yes.

LEG. HORSLEY:

We have presently how many sewage systems in Suffolk County?

MR. WRIGHT:

Over 160 sewage treatment plants, only 22 are County owned and operated.

LEG. HORSLEY:

Right. And all the sewage waste projects, do they go to the Bergen Point Plant at this time?

MR. WRIGHT:

The majority. Some go the East end, Riverhead, Southampton, Huntington.

LEG. HORSLEY:

Okay. So we would anticipate that majority of the sewage in Suffolk County then would go to the Bergen Point Plant at some point?

COMMISSIONER BARTHA:

That's correct.

LEG. HORSLEY:

And into the future as we grow? Do we have a projection of what you think the future growth is of sewage needs in the Suffolk County for the next couple of years, ten years? What do you think?

MR. WRIGHT:

Well, presently about 35% of the County is sewerred. And there are, you know, developments that come through the Sewer Agency to develop sewerred systems. And I would anticipate that as far as trucks bringing waste sludges to Bergen Point that we're probably at our limit now. There's a permit limit on what we have. There's a significant impact that it has to facility, a percent of solids that are generated and brought to the plant. So I don't anticipate that we're going to be increasing the amount that comes to Bergen Point by a significant amount. And that's a capital project that's being looked at to develop something in Yaphank to take part of that load.

LEG. HORSLEY:

Good. I wanted to bring that up. That has been on the drawing board for a number of years?

COMMISSIONER BARTHA:

Yes.

LEG. HORSLEY:

And where is that now?

MR. WRIGHT:

We're in the environmental impact phase. We're anticipating a letter of comment from CEQ in the near future. Once we respond to that, we would be able to address the comments and complete that process.

LEG. HORSLEY:

Okay. So we're talking the five years maybe?

MR. WRIGHT:

If you're looking at an approval of an impact statement and then design and construction, it probably would take that long.

LEG. HORSLEY:

And with this Yaphank facility, would the waste then go to •• the intended waste go to the Bergen Point Plant to be burned?

MR. WRIGHT:

Some of the residual will go to Bergen Point. There would be a certain amount of treatment in Yaphank. It would be reduced by a substantial

amount.

LEG. HORSLEY:

Okay. Let's move on. The plan presently •• this privatized plan is to reestablish two burn units •• I want to make sure I got this correct, if it's a fair comment just let me know •• to reestablish two burn units to burn all of primarily Suffolk sludge, ash and then be land•filled; is that correct? Two units?

COMMISSIONER BARTHA:

Are you asking what the privatization plan is?

LEG. HORSLEY:

Yeah. The privatization plan. That's where I'm going to.

COMMISSIONER BARTHA:

You really have to discuss that with the County Exec's Budget Office.

LEG. HORSLEY:

You have not been involved with the privatization plan at all?

COMMISSIONER BARTHA:

No.

LEG. HORSLEY:

Interesting. By the way, have you heard future talk of burning Nassau waste?

COMMISSIONER BARTHA:

With did have some conversation with Nassau County about that when we were considering exchange •• not exchange, but us transferring some of our sewage flow to them in order to create additional capacity at Bergen Point. We have now convinced everyone at hand that Nassau's sludge is very different from Suffolk sludge as far as its combustability, the amount of water in it. So that's not feasible.

LEG. HORSLEY:

You don't think it's feasible. Good.

CHAIRMAN SCHNEIDERMAN:

I just need to interrupt for a second, because at three o'clock there's a public hearing scheduled on the Capital Budget. We are fastly approaching that time. I've get to get through the agenda here. Some of these things we can come back to. We might have to wait for a future date. I'm trying to figure out what to do. We started relatively on time. We could •• these Capital

Budget hearings usually are very quick. So we can probably recess, have the Capital Budget, it shouldn't take more than ten minutes, and then we could come back. That's what I'll suggest we do. Maybe we'll recess at 3:00, come back together at 3:20, if that's okay with everyone.

LEG. KENNEDY:

Mr. Chair, I have some follow up questions along with ••

CHAIRMAN SCHNEIDERMAN:

I have a lot of questions on this too.

LEG. HORSLEY:

The privatization issue.

CHAIRMAN SCHNEIDERMAN:

Why don't we this? Why don't we try to move the agenda and then come back, we still obviously have a lot to talk about? We're going to run into the three o'clock public hearing on the Capital Budget. So my suggestion is let's go to the agenda, let's try to move through as much as we can of the agenda.

LEG. HORSLEY:

Mr. Bartha, Mr. Wright, you are okay with this? You'll be here for the

extended conversation?

COMMISSIONER BARTHA:

Yes, at your disposal.

LEG. HORSLEY:

I do appreciate that.

CHAIRMAN SCHNEIDERMAN:

At three okay •• I'll make ••

LEG. HORSLEY:

I'm just getting started.

CHAIRMAN SCHNEIDERMAN:

What I'll do is when we hit three o'clock, I'll determine how many people are here for the Capital Budget hearing, and we should have a sense of how long it's going to take, then we'll make the decision of how long we'll recess for.

LEG. HORSLEY:

And I have a commitment that we can get back to very important issue?

CHAIRMAN SCHNEIDERMAN:

Yes. All right. So stay where you, Commissioner, in case any questions come up.

We're going to start with Resolution **1030 (To authorize a request for proposal to re•establish the Bay Shore Health Center).**

LEG. MONTANO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Montano, second by Legislator Browning. All in favor? Opposed? Abstentions? **Tabled (VOTE:7•0•0•0).**

1164 (Establishing a County Policy to require hybrid or alternative fuel buses in the Suffolk County Transit System).

LEG. MONTANO:

Motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Montano, seconded by D'Amaro. All in favor? Opposed? Abstentions? **TABLED (VOTE:7•0•0•0).**

1357 (Approving renewal and extension of ferry license and fare of Tony's Freight Service, Inc.).

It needs to be tabled for a public hearing. Motion by Legislator Montano, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? **TABLED (VOTE:7•0•0•0).**

1422 (Authorizing the purchase of up to eleven paratransit vans and related equipment and accepting and appropriating Federal aid (80%), State aid (10%) and County funds (10%) in connection with this purchase (CP 5658).

Motion to approve by Legislator Montano, seconded by Legislator Romaine. All in favor? Opposed? Abstentions? **Approved (VOTE:7•0•0•0).**

1423 (Approving maps and authorizing the acquisition of lands together with findings and determinations pursuant to Section 204 of the Eminent Domain Procedure Law, in connection with the acquisition of the properties for intersection improvements on CR 46, at Surrey Circle, Town of Brookhaven, Suffolk County, New York (CP

3301).

Any Brookhaven Legislators want to make a motion?

LEG. ROMAINE:

So moved.

CHAIRMAN SCHNEIDERMAN:

Legislator Romaine made the motion, seconded by?

LEG. MONTANO:

I'll second.

CHAIRMAN SCHNEIDERMAN:

Legislator Montano. All in favor? Opposed? Motion is carried. **APPROVED (VOTE:7•0•0•0).**

1437 (A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 3 • Southwest (Various Capital Projects)).

Is there motion?

LEG. D'AMARO:

Motion to approve.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator D'Amaro.

LEG. MONTANO:

Second.

CHAIRMAN SCHNEIDERMAN:

Seconded by Legislator Montano.

LEG. KENNEDY:

Mr. Chair, on the motion.

CHAIRMAN SCHNEIDERMAN:

On the motion, Legislator Kennedy.

LEG. KENNEDY:

Charlie, this speaks of various capital projects for a total of 125.15 million associated with Sewer District 3. We just had a conversation, we're going to return to it as far as the burn unit. Is any of this piece associated •• there's 46 million in the capital project right now for the burn unit, correct?

COMMISSIONER BARTHA:

That's correct?

LEG. KENNEDY:

Okay. Is any of this additional funding that would be committed towards burn unit construction?

COMMISSIONER BARTHA:

It is. That's part of the funds included in that public hearing. What we suggest, because there are other projects that we believe are important projects at Bergen Point to be done, that if the findings resolution is such that there is opposition to proceeding with the construction of the incinerators under a privatization plan, it reflect that. Isn't that what you're suggesting?

MR. WRIGHT:

Yes, that's right. Carry through with the public hearing so that other projects aren't impeded and then the findings can adjust whatever is necessary for that discussion.

COMMISSIONER BARTHA:

This is merely scheduling the public hearing.

LEG. KENNEDY:

And the additional work that's associated with this will go to just general operations there. I mean, we've heard many, many different things about you know Sewer District 3. Is this part of the ••

MR. WRIGHT:

There's six capital projects that are in this •• for this public hearing, and the purpose to having one public hearing was to minimize the time necessary to come to the Legislature and also to make applications to the State Comptroller. They include the grid project at Bergen Point, which is \$23 million; security, fire suppression, odor control, numerous projects, ultraviolet disinfection. So there's some important projects. And it's not just for •• it's for 2006, 7 and 8 is the period of time that the public hearing would cover these various projects.

LEG. KENNEDY:

And so there will be an opportunity to comment at that public hearing on June 13th?

MR. WRIGHT:

Yes.

CHAIRMAN SCHNEIDERMAN:

Okay. So there's motion and a second. All in favor? Opposed? Abstentions?
Approved (VOTE:7•0•0•0).

1438 (A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 23 • Coventry Manor (CP 8149)).

CHAIRMAN SCHNEIDERMAN:

Same motion, same second. All in favor? Opposed? Abstentions?
Approved (VOTE:7•0•0•0).

1439 (A resolution calling for a public hearing for the purpose of considering the proposed increase and improvement of facilities for Sewer District No. 9 • College Park (CP 8163)).

CHAIRMAN SCHNEIDERMAN:

Same motion, same second, same vote. All in favor? Opposed? **APPROVED**

(VOTE:7•0•0•0).

1462 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with planning for the construction of sidewalks along County Road 85, Montauk Highway between West Sayville and Oakdale (CP 5497)).

LEG. MONTANO:

Motion.

CHAIRMAN SCHNEIDERMAN:

Motion by Legislator Montano, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? **Approved (VOTE:7•0•0•0).**

1489 (Amending the 2006 Capital Budget and Program and appropriating funds in connection with planning for improvements to Sewer District No. 6 • Kings Park (CP 8144)).

LEG. KENNEDY:

Mr. Chair, there was a request through the departments to go ahead and to amend this resolution. Actually I'm going to turn to BRO, because Roz is familiar with this. I believe I'm going to make a motion a table this, as I believe we have a new resolution being filed that addresses the funding source; is that correct?

MS. GAZES:

Yes. The new resolution will be filed by the deadline tomorrow. And they basically do the same thing with a different source of funding.

LEG. KENNEDY:

And this is something that was brought to us as a result of a request from, I believe, both Public Works and Economic Development.

CHAIRMAN SCHNEIDERMAN:

Can I ask, though •• because that will hold the process up for a month, can I just ask the Commissioner, is that okay? Does this need to be done by CN?

COMMISSIONER BARTHA:

It's Legislator Nowick's resolution. We support the concept, we were just concerned that it should not be a sewer district charge, it should be, we believe, a County•wide charge. And then if Kings Park becomes included in a sewer district, it should be that segment of the community that should be charged.

CHAIRMAN SCHNEIDERMAN:

That is what the amendment would be?

LEG. KENNEDY:

Yes. And as a matter of fact •• and actually, Charlie, it's a cosponsored resolution because the purpose is to go ahead and to expand sewerage both to Main Street, Kings Park and Main Street, Smithtown, and obviously we want to be able to go forward with that in concert and harmony with the departments. I'll be happy to make that motion to table.

CHAIRMAN SCHNEIDERMAN:

Motion to table by Legislator Kennedy, seconded by Legislator Horsley. All in favor? Opposed? Abstentions? **Tabled (VOTE:7•0•0•0).**

1492 (Adopting Local Law No. • 2006, A Local Law requiring prior approval from the Suffolk Sewer Agency for the establishment, improvement, or expansion of County Sewer Districts).

LEG. HORSLEY:

Can I ask the Commissioner to •• before we move to table, may I ask to explain what the bill is?

CHAIRMAN SCHNEIDERMAN:

Why don't we have a motion and a second to table and then we'll have a discussion on it. So motion to table by Legislator Horsley, seconded by Legislator Kennedy. On the motion, Legislator Horsley.

LEG. HORSLEY:

What it is?

CHAIRMAN SCHNEIDERMAN:

Asking for more information.

LEG. HORSLEY:

The intent.

CHAIRMAN SCHNEIDERMAN:

Commissioner.

COMMISSIONER BARTHA:

I would turn to the County Executive's Office for that.

CHAIRMAN SCHNEIDERMAN:

Is there somebody here? Okay. Then we might as well wait until we have the public hearing then if there's nobody here to address it if that's okay with you. So there's a motion and a second to table. All in favor? Opposed? Any

opposed? Abstentions? **Tabled (VOTE:7•0•0•0).**

Okay. That gets us through the agenda. We have, I guess, a few more minutes until we get the 3:00. Why don't we go •• let's see what we have left. Ed, you wanted to talk •• you wanted an update on something. Can that wait until ••

LEG. ROMAINE:

That was CR 4, Commack Road. We are done with that.

CHAIRMAN SCHNEIDERMAN:

Maybe we can finish with Cliff and then we can continue the conversation about the incinerator, because I have a lot of questions about that too, but I don't know if we have to do it at this meeting. We could do it at the next meeting, depending on how you feel about that.

LEG. ROMAINE:

The incinerator question is an important question.

LEG. HORSLEY:

I think it's an important question.

CHAIRMAN SCHNEIDERMAN:

Do you think we can do the incinerator in the next five minutes?

LEG. HORSLEY:

No. No.

CHAIRMAN SCHNEIDERMAN:

So then we'll continue that after the hearing. So why don't we do the public transportation issues. I think all of you are aware that we had public hearings held, I guess, last week or the week before last week, both in Hauppauge and in Riverhead where the public had the opportunity to talk about ways to improve our public transportation system or concerns with that public transportation system. I was able to attend the one in Riverhead. There were numerous comments. I know Mr. Hymowitz is compiling a report of those comments. We had a stenographer there, which will be made available to the committee and to the Legislature as a whole. I don't know how long it will take to pull that together I don't know how long it will take to pull that all together.

Very briefly from my committee, people asked for some additional bus shelters, some additional routes, Sunday bus, there were questions about SCAT policy in terms of making reservations, all kinds of things about carrying bags onto the SCAT van, how many they could bring, a lot of things. I took pretty accurate notes, and I'm sure Cliff also will pull all this together. At this point, I'll turn things over to Cliff.

I hope you can do this in five minutes.

MR. HYMOWITZ:

I really appreciate if people take what I say seriously, because ••

CHAIRMAN SCHNEIDERMAN:

What makes you think we're not taking things seriously?

MR. HYMOWITZ:

No, well, previously •• just hear what I have to say. I'll make it real fast. First of all, the Transportation Advisory Board has asked the committee to consider three resolutions. One is that the board recommends that Legislature consider introducing a resolution to amend the transfer policy to increase the time to be within three hours of boarding the first bus, to allow trip•change using the second transfer as long as the passenger does not board the same bus route and transfers. The point is that right now it's two hours. There's many comments being made that you cannot make those transfers in two hours. So therefore •• it's great a great policy, but a lot of people can't take advantage of it because there's not enough time. So we ask you to consider a resolution to extend it to three.

CHAIRMAN SCHNEIDERMAN:

Would three solve the problem? Because this came up at the hearing we had in Riverhead •• you know, when you get on the subway up in New York City you pay once and you can ride as many subways as you need. Once you get off the system though •• now, why don't we have •• as long you're connecting from one to another, why should you pay more than one fee at

all?

MR. HYMOWITZ:

I was very happy of the fact that we got them to change the policy so people weren't paying two double fares. I spoke to a lot of people that use it, and there seems to be consensus that it wouldn't serve everybody, but three hours would be ••

CHAIRMAN SCHNEIDERMAN:

Well, maybe I'll ask Mr. Shinnick to comment on that at some point, because I don't understand why •• you should pay for one transfer, and that should be it.

MR. HYMOWITZ:

That's the first resolution. The second thing was that the board recommends that the Legislature consider introducing a resolution when the County receives STOA, State Operating Assistance, that exceeds the present budget amount to amend the County Operating Budget for the amount of money that exceeds the adopted amount. I'll give you an example. Last year, we received \$12 million in State Operating Assistance, okay? Can I ask people to please •• I beg my indulgence, okay?

We received \$12 million in State Operating Assistance. The amount that was in the Operating Budget, I believe, was eight, okay? And therefore, the extra 4 million was never readopted. It just went into the General Fund. This year the money in the Operating Budget is 11 million. I have reason to

believe very strongly that we're going to receive 16 million, which means that another 5 million that we receive transportation operating assistance will not be budgeted until the following year. So therefore, since the County Executive's been in office, we have never done a resolution to amend the Operating Budget when we received extra funds. So that's the recommendation of the Transportation Advisory Board.

LEG. ROMAINE:

Mr. Chairman, can I raise just a question here, a very quick question?

CHAIRMAN SCHNEIDERMAN:

Sure.

LEG. ROMAINE:

So what you are saying is that we have got more state aid then was appropriated in the Operating Budget, and that state aid did not go for the purpose that we received it •• what?

CHAIRMAN SCHNEIDERMAN:

I believe we got it late in the year.

MR. HYMOWITZ:

No, we didn't get it late in the year. In defense of the Administration,

technically everything in the General Fund •• so therefore, every transportation system runs in a deficit. So therefore, they could say that's it's been used to buy down the deficit, but we're recommending is that if you were to reappropriate it, then a portion, whether it be 5%, 10% could be ensured that it be used to enhance service so that we don't constantly •• every time we get an increase use it to decrease the amount of debt or in the money that we lose.

CHAIRMAN SCHNEIDERMAN:

So you are saying basically that the County got the money and then used it, so it didn't have to subsidize public transportation with other general taxation funds. So nothing changed from the •• in terms of providing greater public transportation even though we got more money to provide public transportation.

MR. HYMOWITZ:

It did cover increased fuel costs and things like that, which I understand, but a portion of it should be considered to be used.

CHAIRMAN SCHNEIDERMAN:

I hear what you're saying.

MR. HYMOWITZ:

Okay. Number three, the board recommends that the Public Works and Transportation Committee review the present procedure implemented by bus

drivers when they approach transfer points. What happens is because we have six set providers, when people transfer, there's no commitment that they're going to be able to make their transfer. There's an unwritten policy, but there's written policy. So it's our suggestion that this is something that this committee look into.

Okay. The next is that I have made comments at this committee meeting and also I've made comments to the respective departments requesting updates of the Transportation Advisory Board to provide you. And one of them is the comprehensive bus analysis that came up. At the March 8th board meeting of the TAB, we were advised that the selection decision would take place that month, meaning they were going to select somebody in March. And it was their expectation that they would have a consultant in place within one to two months. So that means that •• we had it in March, so we wanted to let you know that we know that they're expected to hire somebody this month, so we plan on making sure that we have representation there so that we can keep you informed.

The next thing is the update on the North County Complex signage. We've informally informed •• we were informally informed that there's going to be aerial photographs produced to be on the outside entrances. And once that's in place that the Transportation Advisory Board would have some input into the aerial signs. But the thing is that as you'll see in the comments, bus drivers didn't even know that the William H. Rogers Building was in here. So, therefore, they took them to the Dennison Building. So, you know, we really have an active interest in that. You know, we really prefer if we got a little more update on that.

The next thing is the traffic impact analysis update, okay? For eight months we've contact DPW. As soon as I saw •• they even did a press release about it •• to find out about who the consultant is, how it's being selected. We

asked to see the scope of work of it, okay? We requested •• okay. I was advised that contrary to our County Executive's photo opportunity on News 12 that there's nothing that's been completed. TAB requests a more active role in this process. And in summary, we request that make department's notice that when we give them a written request of information, we request that they respond to us with a written confirmation so that we can provide you with the information.

CHAIRMAN SCHNEIDERMAN:

Thank you, Cliff. There's more?

MR. HYMOWITZ:

Just one more.

CHAIRMAN SCHNEIDERMAN:

If you could try to get through because it is •• I've given you now ten minutes instead of five.

MR. HYMOWITZ:

We work for you.

CHAIRMAN SCHNEIDERMAN:

If you want to wait until after the Capital Hearing is done to finish, otherwise

if you want to take care of it now, I'll give you •• do it in a minute.

MR. HYMOWITZ:

I can't do it in a minute. We had a meeting on April 24th that was hosted by Congressman Bishop. Inside the notes that I gave you are the people that attended. It showed that there is real interest in human service transportation coordination. My question to you is where do we go from here and who provides the leadership, okay? At the end of your packet are handouts that Mr. Bogaz referred to about this new transportation initiative. I've provided it to you so that you can be educated that we have an opportunity to have public comment at this time. So I hope you take the time to review that.

The last thing is I wanted to let you know about the public hearing. In Hauppauge we had 63 people that attended, 28 that submitted verbal comments, five submitted written comments. In Riverhead, there was an estimated 45 people, 13 people submitted written comments •• I mean, verbal comments, seven submitted written comments, and one provided an a petition with 100 signatures about a bus stop location.

We should receive the transcript in approximately two weeks, that would mean that we would get them around May 19th. The board will work on preparing a summary from the Transportation Advisory Board at our May 24th meeting or June 14th meeting. Either way we will have a summary to present to the Suffolk County Public Works Transportation Committee on June 24th. So you can expect a written report of a breakdown of the comments and the order in which there are prioritized. Okay.

So in conclusion, I just want to thank the Presiding Officer for supplying the funding for the stenographer, because if we didn't get it from him, we never would have been able to document the people's comments. So I just wanted to be on the record to thank the Presiding Officer very much for his support. And I did it in a minute.

CHAIRMAN SCHNEIDERMAN:

Thank you. The Committee Chair you're thanking or the Presiding Officer of the Legislature?

MR. HYMOWITZ:

The Presiding Officer of the Legislature provided the funding.

CHAIRMAN SCHNEIDERMAN:

Very good. So at this point, I'd like to recess, I'll tell you how long in one moment. We'll recess for 15 minutes, we'll come back at about 3:20. Thank you.

(* A RECESS WAS HELD FROM 3:15 UNTIL 3:45 P.M.*)

CHAIRMAN SCHNEIDERMAN:

If we can resume our Public Works and Transportation Committee Meeting. I'd like to thank you for your patience those of you who are still here. Thank you, Commissioner. Legislators, make sure I have a few Legislators here. It

looks like a quorum. We will continue. I'd like to go back to the questions of Legislator Wayne Horsley who had some concerns for the Commissioner about a proposal to construct and to privately construct an incinerator for sludge at the Bergen Point facility. Legislator Horsley, the floor is yours.

LEG. HORSLEY:

Thank you very much, Legislator Schneiderman, Chairman. And let me just go back to what we have already covered just quickly. This is a concept of privatization of the burn units at the Bergen Point facility. The question •• and so much of the Capital Budget is based on this issue. That's why I feel it is important to discuss it now as we are discussing the Capital Budget. So we have a burn unit going into a plant that is co•run •• the proposal is a co•run plant. The burn side would be privatized, and the treatment side would be County employees; is that correct?

COMMISSIONER BARTHA:

That is my understanding, yes.

LEG. HORSLEY:

Okay. Now, I recognize you guys have already told me that you really don't know the privatization plan as well as you have other •• the incinerator plant that was originally proposed by the County; is that true?

COMMISSIONER BARTHA:

That's correct.

LEG. HORSLEY:

Okay. So some of these questions you may not have a definitive concept, but I'm go to ask you them anyway, because I want to put on the record some of these issues that I feel are important and are going to be coming up as we talk about the impending RFP. And that's what the proposal is. So everyone understands it, there's presently \$46 million in the budget allocated for the incinerator units at the plant. And in the new budget that's proposed by the County Executive, that \$46 million has been removed from the budget, and what is •• with the idea that privatization plan will be forth coming, and that's how we would get our incinerator plant; is that correct?

COMMISSIONER BARTHA:

That's correct.

LEG. HORSLEY:

Okay. The privately run contract is estimated at your figures if the County was to do it at \$61 million; is that correct?

COMMISSIONER BARTHA:

Yes.

LEG. HORSLEY:

That still •• that would be an entire •• if that \$61 million was spent by the County, then we would have one plant that would be run by the County operations.

COMMISSIONER BARTHA:

That's correct.

LEG. HORSLEY:

Okay. The proposal, and I can only go by what you guys have proposed that what this would look like, it may change under an RFP, but I think it's a good guideline of what •• of where you would be going. The building would be •• we're going to take down the original incinerators, they're going to be destroyed, we're going to be building two new burn units, the building would have to be enlarged; is that correct?

MR. WRIGHT:

The footprint wouldn't be enlarged, but there would be one area the plant that would extended upward.

LEG. HORSLEY:

Extended upward?

MR. WRIGHT:

Yes. The area where the new incinerators would. They're not going to be placed in the exact location of the existing incinerators, they're in a different part of the building. And by doing that, we're raising the roof basically.

LEG. HORSLEY:

And raising the roof. So basically on the same footprint. Let's just quickly talk about the stack height. You know, that would be, of course, if we're going to be modernizing and meeting DEC regulations, you would, of course, have to •• you would have to make the stack higher. This would be visual issues from the Bay and, of course, the parks that we talked about. The present stack height is what?

MR. WRIGHT:

It's approximately 95 feet.

LEG. HORSLEY:

Ninety five?

MR. WRIGHT:

Elevation 95.

LEG. HORSLEY:

And what do you propose that the •• to meet regulations in what your concept of the incinerator would look like, how much •• how high would it have to go now?

MR. WRIGHT:

One hundred and twenty feet.

LEG. HORSLEY:

One hundred and twenty feet from, what, ground up?

MR. WRIGHT:

That would be the elevation, yes. The ground elevation is about 15 at that point, so 120 is the elevation to the top of the stack, but there's a difference in diameter. The existing one is a six foot diameter, these are 30 inch diameter.

LEG. HORSLEY:

Okay. So that stack is going to be about 120 foot.

MR. WRIGHT:

Elevation 120, 105 feet off the ground.

LEG. HORSLEY:

In the •• in doing the County's due diligence, and I presume you must have looked at •• maybe you haven't •• this private slash public entities in other areas of the United States, the world, whatever, have you looked at any other waste water burn plants that are publically and privately operated?

MR. WRIGHT:

We went to a number of facilities, probably a dozen, looking at different sludge processes, and some of the them had the partnership and some didn't.

LEG. HORSLEY:

And those partnerships, could you tell me how they worked; would you call them successful?

MR. WRIGHT:

Well, we weren't really looking at privatization at the time, but I know generally, some work and some don't. And there's different reasons for going into it, whether it's economics or operational problems.

LEG. HORSLEY:

Okay. I would presume you would say that this is an economic issue more so than ••

MR. WRIGHT:

We don't have any operational problems.

LEG. HORSLEY:

Those plants that you saw that were privately and publically operated, would you say they were successful? You said that they were; is that true?

MR. WRIGHT:

Yeah. Just from what I read and people I talk to, I know some are successful, some are not.

LEG. HORSLEY:

Could you tell me •• give me one that was successful?

MR. WRIGHT:

For example, Waterbury, Connecticut, they have a fluidized bed incinerator that was built. The actual private•public partnership is not a problem, but the contract that Waterbury entered into was a problem, because they accelerated the process of entering into the contract. So they're not happy with the contract, but they have to live with it.

LEG. HORSLEY:

They moved too quickly?

MR. WRIGHT:

Yes.

LEG. HORSLEY:

Into the process. By moving too quickly •• I guess this is kind of quickly, wouldn't you say? I mean, I heard about it five o'clock one night and it was proposed the next day. Is that •• is that too quickly?

MR. WRIGHT:

You know, I would think that the process hasn't been outlined. Typically you would have to go through an RFQ, and RFP and then negotiate a contract.

LEG. HORSLEY:

How long would that take, would you suggest?

MR. WRIGHT:

I know in some cases it might take two or three years. It could be accelerated at some point, but I think getting somebody that's going to, you know, meet your objectives and, you know, at the right economic benefits is what you have to look for.

LEG. HORSLEY:

So you would say •• to do proper planning •• to do your proper due diligence in this area of private•public operations it would take two to three years in your estimation, correct?

MR. WRIGHT:

Yes.

LEG. HORSLEY:

Because the company did not •• this Connecticut firm did not do their due diligence and they moved too quickly and they had a bad contract as you put it, what happened to it?

MR. WRIGHT:

It's still operating.

LEG. HORSLEY:

It's still operating.

MR. WRIGHT:

It's been quite a few years. And, you know, there's not a complaint about what's going on with the contract provisions, and I can't be detailed about that, because, you know, I wasn't investigating privatization at the time.

LEG. HORSLEY:

Do you know of any other successful operations in your due diligence? I know you are very familiar with the world of sewers and how they operate.

MR. WRIGHT:

Well, I know there's quite a few that are in the literature. I'm trying to think of where else we might have gone where there was that situation. In New Jersey, I can't remember the community.

LEG. HORSLEY:

Rahway?

MR. WRIGHT:

No. Rahway is •• they have a water system that's privatized. The sewage system is just in the infant stages of developing a plan on whether or not they should proceed or not.

LEG. HORSLEY:

Ben, would it be fair to then say that there's not a whole lot of history with this private•public cooperation in running a plant in one single location as, like, a marriage?

MR. WRIGHT:

I think there's a lot the privatization that's taken place over the years, but I think every case is different and has to be looked at.

LEG. HORSLEY:

Okay. We will leave it at that then. Let's discuss a little bit about the RFP •• proposed RFP, how you would envision it if you were •• to help create •• I would assume you guys would be part of this. I mean, you are our Sewer Agency heads.

COMMISSIONER BARTHA:

I'm sure we will be when and if the budget is adopted as proposed.

LEG. HORSLEY:

Okay. And any time you just don't know, hey, I understand. Will the County have final oversight of the, in your estimation, burn problems, odors,

particular concerns, testing, etcetera? When does the County's liability occur? When we have two operators in one single plant, who is liability insurance covers what? Lawsuits? I assume you would have to look into that type of issue. Legal oversight, when public •• what happens when someone has a complaint of a public burn plant? Who do they complain to, you or to the private•public operators?

COMMISSIONER BARTHA:

I envision they would complain to us and then we would have to deal with the private operator.

LEG. HORSLEY:

That would be the rule of thumb?

MR. WRIGHT:

We have the discharge permit for the waste water treatment facility. If the sludge portion of it was privatized, there would be still be returns coming back to the treatment facility that we would be responsible for and to answer to.

LEG. HORSLEY:

Which brings up a question in my mind. If you had •• you couldn't privatize the entire plant; is that correct, without going through State legislation? That's correct. So that would be maybe the reason why we're looking at only half the plant or the incineration issue, because you wouldn't have to go to

state legislation?

COMMISSIONER BARTHA:

You'd have to bring that up with the Budget Office.

LEG. HORSLEY:

Okay. That's fair. Tell me who would become the lead in a system-wide emergency similar to the Katrina floods? We all know that the system was under a lot of stress after Katrina, we had the •• I'm careful not to say back •ups, because that's not what happened, but because the over •• because of the huge amount of waters just made the system incapacitated and there were problems in people's basements and whatever. That all being the case, it had nothing to do with our issue of how we run the plant, but just because of the nature of the incident, who takes responsibility for those types of issues? What happens if the burn plant goes down because it's flooded?

COMMISSIONER BARTHA:

That's all something that would have to be negotiated and subject of the RFP.

LEG. HORSLEY:

Okay. Two to three years to answer some of these questions. Okay. If there's a result in health complaints from the •• from particulates or there's a low-cloud ceiling day or whatever, from the burn operations, who would be responsible?

COMMISSIONER BARTHA:

Again, it would be how the contract was entered into and negotiated. In any contract there's a balance of responsibilities and you pay for them. What responsibility you transfer, the more you pay for it.

LEG. HORSLEY:

So the higher cost to the County would be the more responsibilities they take?

COMMISSIONER BARTHA:

Right. And ultimately, as I view these things, the County is responsible, because we're providing the service, whether we contract out who is doing the work for us, whether it's a County employee or a private employee or a private company, ultimately we have to be answerable to the constituents.

LEG. HORSLEY:

To the public, to the consumers. Okay. In layering •• layering this process of having the private and the public and in light of the fact that the company would have to spend at least \$61 million according to your figures of investments, can you say that the rates for the district will remain same, rise, fall? You've got the \$61 million investment, then you've got the profit motive on top of that, can they run it for the same amount of dollars that it presently •• the sewer district is presently running in?

COMMISSIONER BARTHA:

That's what we would have to evaluate after the proposals came back with the cost information.

LEG. HORSLEY:

Ben, what do you think?

MR. WRIGHT:

That's the purpose of the proposals, to see if it's beneficial to both sides.

LEG. HORSLEY:

Right. Okay. So this could fail, though, in other words. I mean, If this comes back and it doesn't make any sense in dollars and cents, we would have to say no? We've taken the money out of the budget.

COMMISSIONER BARTHA:

You could always put the money back in the budget after the proposals came back and it was determined that it was not the prudent way to go.

LEG. HORSLEY:

Okay. And again, on a financial vein, it's my understanding that 30 to 40% of the plant's revenue come from scavenger waste; is that correct?

MR. WRIGHT:

No.

COMMISSIONER BARTHA:

Not necessarily the plant's revenue, but the 46% of the cost associated with the sludge processing, namely, the dewatering of the sludge and the incinerators are revenues that we would receive from the scavenger waste haulers.

MR. WRIGHT:

You know, the pounds of solids that come into the plant are weighted, and 40 plus percent goes to scavenger waste and 55 or 60% goes to the district service area.

LEG. HORSLEY:

Okay, 55, 60% go to the district service area. Okay. So we •• by the scavenger waste process we get 60% then, you think?

COMMISSIONER BARTHA:

In the 40s, 45•46%.

MR. WRIGHT:

Forty eight percent of the pounds is the number that we've utilized in the report that's the base of the public hearing.

LEG. HORSLEY:

So it is a substantial revenue maker for the County in keeping our cost down to the consumers?

MR. WRIGHT:

That's correct.

LEG. HORSLEY:

Okay. Now we have scavenger waste coming to the plant, 40%, 46%, is what we make on that. Now that the burn operation is going to be privatized, how do you split that difference? How many does the private company make, how much does the County make, do we lose revenues?

COMMISSIONER BARTHA:

Well, I think I answered the last question incorrectly or at least in the wrong direction. We look to be revenue neutral with •• what we recover from the scavenger waste haulers in the way of fees is intended to offset the cost of

designing and constructing, operating everything that they need, including the incinerators and the sludge processing system. So it's not •• if another entity took over that responsibility, it's not money out of the pocket of the people in the sewer district.

LEG. HORSLEY:

Your revenue would be less, though.

COMMISSIONER BARTHA:

The revenue would be less, but our cost would be less as well.

LEG. HORSLEY:

Except that the incinerators presently are not operating. So the current figures are based •• that the rates based on, there's no operation there, there's no incineration, so your getting 100% of the scavenger waste dollars now and keeping the rates at a certain level. So if you take half of that or whatever percentage it may be, suddenly you're going to have to make up that difference.

COMMISSIONER BARTHA:

We're still processing the sludge, we're still processing the sludge, and we're land filling it and the costs are pretty comparable.

LEG. HORSLEY:

After touring the Bergen Point operations the other day, and I do thank you for the tour. It was most enlightening, and I was very impressed by your operations people, the cleanliness of the operation. You know, the type of operation it is, it was really •• it was incredible that, you know, they were painting things, the areas that are not seen by the public seemed to be on maintenance responsibilities, the upkeep of the plant. Now, if we layer in this private company, we may have •• may or may not have to work on cutting corners and things like that. The maintenance responsibility would lay with who?

COMMISSIONER BARTHA:

Again, that would be part of the RFP. I would envision making them responsible for the maintenance of the privatized areas.

LEG. HORSLEY:

Do you have any •• are there any fears in your mind that cutting corners for the corporation bottom line would be an issue?

COMMISSIONER BARTHA:

Yes. And I would look to protect ourselves for that in the contract. For example, a prettier example, the ballpark in Central Islip is a facility that the County built, and we hired a private ball team operator to operate the team as well as maintain the facility. We have careful provisions written into that contract, we are over there regularly inspecting it to see that he is doing his job in maintaining the property. And it would be the same thing we would have to do in this privatization proposal. We would never simply wash our

hands of a situation and hope for the best, especially at a sewage treatment plant.

LEG. HORSLEY:

Commissioner, I understand that concept. I've been involved with many privatized operations, the Resource Recovery Plant in the Town of Babylon. But generally speaking, you don't have two masters under one house. The ballpark is run by a concessionaire. That's understandable. But now what we're talking about is having a private•public relationship all under one roof. I just think it gets complicated. And I wanted to see, do you have any qualms or questions about that issue?

COMMISSIONER BARTHA:

Oh, I agree it's complicated. Absolutely. And it will be a complicated RFP.

LEG. HORSLEY:

You know, I'd hate to see the sewer folks, our guys, you know, wrestling with the privatized guys, and they're worrying about the bottom line and you're worried about does the place smell and are we painting the boilers.

COMMISSIONER BARTHA:

I appreciate your remarks about the staff at the treatment plant, because they do take their job very seriously. And it has a very good operating history, and it's a very nice plant.

LEG. HORSLEY:

Are you saying if it's not broke, don't fix it?

COMMISSIONER BARTHA:

No. I was just thanking you for your compliments.

LEG. HORSLEY:

Okay. What happens if the private portion is not profitable? Because we're trying to hold down rates and we certainly want to keep eye on that issue for our consumers. We are after all the government that's concerned about taxes. And though it's a user fee, it's a taxation to the general public. What if the private company says, we cannot make it on this, this is not •• you know, what do we do? Do we take over the burn plant and their \$61 million investment? What do you think would happen?

COMMISSIONER BARTHA:

I would imagine they would look for cost saving measures, because it will have to be a pretty long term contract for them to recover ••

LEG. HORSLEY:

Good question. How long do you think?

COMMISSIONER BARTHA:

I would think at least 20•25 years in order for them to recover the cost plus the design.

MR. WRIGHT:

I think just as we have concerns and you put those concerns into an RFP, whoever is going to respond to that RFP would also have those kinds of concerns and that would be part of the negotiation process.

LEG. HORSLEY:

Okay. Considering there's not a lot of history out there with other private •• although you have not agreed •• you have not agreed with that statement, but I'm doing a little bit of research, and there's not a lot of private•public partnerships involving waste water treatment plants to go by, so we've got this long history. So it is a question? Would you agree to that it may be difficult to manage?

COMMISSIONER BARTHA:

Yes.

LEG. HORSLEY:

It would be difficult to manage. Okay. So we've got the issue that it may not be profitable. Is there any •• do you envision how we could deal with the whole issue if the company defaults then what happens, we go to litigation?

MR. WRIGHT:

We usually have some kind of security that would back up, you know, whatever the extreme default would be.

LEG. HORSLEY:

The burn units and then it becomes a private •• then it becomes a public plant.

COMMISSIONER BARTHA:

If they default, we have the asset •• I would have no qualms about taking over the operations.

LEG. HORSLEY:

For free. I see. But that is something •• whenever you deal with any sort of contracts, you have to deal with default regulations and concern. It is particularly worrisome that if we're in litigation and default issues and stuff like that when we're dealing with the Southwest Sewer District could •• any issue could cause a ripple and affect the operations of the plant itself.

COMMISSIONER BARTHA:

Right. You can't afford down time with a facility like a sewage treatment plant, which is why we build in redundancy in all of our critical systems.

LEG. HORSLEY:

Okay. What happens if the corporation has labor issues? Strike, they're not Taylored Lawed. What happens if they don't like what they get paid?

COMMISSIONER BARTHA:

It's a good questions. We'll have to make sure we cover that in the RFP.

LEG. HORSLEY:

I'm glad I'm thinking for you guys. As long as it two takes two to three years to plan it, I'm certainly willing to talk about it, because I've got a feeling at the end of the day that this may not seem like a real good idea. What if there was a strike? Would our AME employees, do you think that they would cross the picket line, even though they're Taylored. I'm just curious. It's one of those questions I didn't expect an answer to.

I will assume that the employees that are presently working at the plant that since they're not long involved with the incineration issue anyway, would they be hired on the other side of the company, the private •• the public side, assimilated into the workforce?

COMMISSIONER BARTHA:

I wouldn't anticipate that. They're career County employees down there, I wouldn't expect that they would leave. We have work for them now without

the incinerators operating, so we would •• we have a fairly high turnover rate, and we would we would certainly have work for everybody there. So I wouldn't anticipate any employees.

LEG. HORSLEY:

You'd be able to work them into the regular workforce.

MR. WRIGHT:

The estimate that we had with our project with the incinerators was six operators to cover a six day two shift operation, not including maintenance. So it's not a large number.

LEG. HORSLEY:

15•20?

MR. WRIGHT:

No. Six operators and then maintenance as necessary.

LEG. HORSLEY:

Six operators around the clock.

MR. WRIGHT:

No. Two shifts a day, we'll have six days a week.

LEG. HORSLEY:

Okay. So how many people is that?

MR. WRIGHT:

We figure six people, operators, operating charge and then assistance as necessary from other areas.

LEG. HORSLEY:

That's interesting. Okay. We will take a look at that. Does it concern you that we are going bringing private folks into the already well running plant? Do we see that •• is there a concern on your part that these new plant operators would be less seasoned, will be running the burn operation and the responsibility will be solely on the County?

COMMISSIONER BARTHA:

I would anticipate that the privatized company would hire people that were experienced. They have a bid asset •• they would have a big asset there that would be interested in protecting. So they would hire qualified employees.

LEG. HORSLEY:

So you're not worried that they're not as good as us or that whole guarantee?

COMMISSIONER BARTHA:

No, I don't think so.

LEG. HORSLEY:

Okay. Again, I want to reemphasize that the reason we're not doing •• we're not privatizing the entire plant is, again, because of state legislation; is that correct.

COMMISSIONER BARTHA:

I don't know that. Remember what I said, this privatization was not generated in Public Works.

LEG. KENNEDY:

Mr. Chair. I would just share a little bit with this, and I think that I would probably talk with Ms. Vizzini a little bit as well. When you are talking about the ability or lack thereof to privatize a facility that's been constructed from municipal bonds, the bonding function in the first instance basically has a very narrow type of window as far as what can be done and how the asset can, in fact, be operated.

And to take and to attempt to privatize even a portion let alone all of it would be very far afield of what the initial representation was when Southwest was first constructed, I guess, 30 years ago. That far of a deviation while I'm certainly not a municipal bond expert by any means, even just a basic understanding of the law tells you that you've strayed too far from what the original representation was when the bond was let. So just hypothetically, I'd offer that as one of the major constraints that we would see here and which goes to really a threshold issue in this whole area of discussion.

LEG. HORSLEY:

That's a very good point for what it's worth. I didn't look at that end of it.

CHAIRMAN SCHNEIDERMAN:

Do you have more there, Wayne, or are you almost done?

LEG. HORSLEY:

I'm almost done.

CHAIRMAN SCHNEIDERMAN:

I have a couple of questions on this.

LEG. HORSLEY:

I'm almost done, guys. Let me inquire when the County considered sledge waste from Nassau County, is it true that the •• because the anaerobic •• we mentioned this earlier, you quickly mentioned it, I want to make sure it's understood, because there is an idea out there that we are going to burn Nassau sludge too and wouldn't that be just a wonderful thing. It's of course, on the Bay and down that two way road next to residents and the parks. I understand that because of the treatment process, you had mentioned this earlier, Commissioner, it makes the BTU value of Nassau sludge inferior, you can't use it at all, you can't burn it?

COMMISSIONER BARTHA:

I'll let Ben address that, but that is what I was saying.

CHAIRMAN SCHNEIDERMAN:

Are you saying that our sludge is of higher quality than Nassau's?

LEG. HORSLEY:

Higher burning.

MR. WRIGHT:

There's some good news and bad news. Our sludge is raw, which preserves some of the BTU value where Nassau County's is stabilized, which sounds better, but it has less BTU value. But the incinerators are based on a design

of our particular solids, our sludge. And if we were bringing something in that was seven or 8% more water with lower BTU value, then we'd have a problem operating the facility depending on how much of the volume of sludge of someplace else, you know, came to the facility. So it's not a good idea.

LEG. HORSLEY:

Not a good idea. So for the record, the Nassau proposal is not a good idea. Okay.

CHAIRMAN SCHNEIDERMAN:

It wouldn't preclude them from somehow converting into a form that we could take into our facilities.

MR. WRIGHT:

We could take more water out of it or we could redesign the incinerators.

CHAIRMAN SCHNEIDERMAN:

I think what •• Legislator Horsley's point is you could see volume increase here at some point, and therefore, traffic increase. And certainly the size of the facility could accommodate that increase. Typically these things are more efficient, I think, with higher volume.

MR. WRIGHT:

They're designed to be efficient, but there's redundancy as the Commissioner indicated. You know, we're operating 14 hours a day, six days a week. You could operate for longer hours or more days to get more capacity, but we need enough time for down time for maintenance and proper repair.

COMMISSIONER BARTHA:

And to put it in perspective, Nassau County has a number of sewage treatment plants, but their two South Shore treatment plants are more than twice the size of Bergen Point, and they have two of them. So right there you're looking at four times of sludge. And what we have designed and are contemplating building based on the current Capital Program are two incinerators that can handle all the sludge that we generate with some redundancy, not a huge amount of redundancy, but some.

MR. WRIGHT:

There's enough redundancy so that the five million gallon per day expansion that we're going through would allow, you know, more hours of operation to incorporate that without changing the incinerator design or construct.

CHAIRMAN SCHNEIDERMAN:

Does Nassau •• do they have an incinerator for sludge?

MR. WRIGHT:

They have a long term hauling contract.

CHAIRMAN SCHNEIDERMAN:

I'll let you finish. I have a couple of questions.

LEG. HORSLEY:

I'm glad you do. And finally, you know, I'm gathering from what you have been saying that this is not coming •• this privatization question is not coming from Public Works, you have said that on the record. Did you have an inkling that this was coming? How long did you have •• did you hear about this earlier on? Just •• the whole Capital Budget is predicated on this going privatized, did you have •• and you guys put together the Public Works Budget.

COMMISSIONER BARTHA:

I had approximately the same inkling that you did.

LEG. HORSLEY:

Thank you. I appreciate that you answered that, Charlie. I was going to give you an out so you didn't have to answer that. I think you are right. Obviously, for the record, in my opinion this is a financial plan, not a plan that is coming from Public Works as a good idea. If it is a good idea, I'm keeping an open mind, I'm doing my due diligence, that it's going to, as you say, take three, four years to study, put together an RFP. That makes sense. It answers the myriad of questions that I just touched on. So my

understanding is that this RFP is coming out when?

COMMISSIONER BARTHA:

We haven't started planning that until •• if and when the budget is adopted as proposed.

LEG. HORSLEY:

When?

COMMISSIONER BARTHA:

At which point, we will look at the development during the course of this year.

LEG. HORSLEY:

Right. So you'll put it out by the end of this year?

MR. WRIGHT:

My suggestion would be that it be proceeded by an RFQ in order to fine tune what type of information you're going to ask for in the RFP, because you may get somebody submitting a proposal just for the air pollution control portion of an incinerator. So you want to fine tune the RFP, so I do think that you

need an RFQ before that.

COMMISSIONER BARTHA:

As you can see, this is not an idea that we gave birth to. However, I'm not ruling out that you could carefully craft RFP and RFQ has been said, combined process and come up with a good plan. We are not there yet. I can't assure you of that, but we would certainly through it very diligently?

LEG. HORSLEY:

As I know you guys would. I mean, obviously from how that Bergen Point Plant is operating, you guys take a lot of forethought, you've got a •• you had a proposal on the table and you've done it to the out years, things that you want to do to the plant to make it safe and even enlarging the treatment facility there so that more people can hook into the sewer district, you had •• you had an idea you had a vision. And here we are layering on this very complex difficult managerial operation on top of it. I applaud you for your honesty on this, guys. Frankly, I'm becoming more and more concerned again that this is a financial plan and not good public policy. So I'll leave it at that, and I know that Mr. Schneiderman has questions.

CHAIRMAN SCHNEIDERMAN:

I won't be as long as you, Wayne. Talk about long hauling. Where to begin? I think there are four waste to energy facilities on Long Island. Islip, Hempstead, Huntington, and I think Babylon has them, but I don't think there's been a waste energy facility constructed in at least ten years, because of •• I mean, even though the technology now meets Clean Air Standard, it always seems to be controversial when anybody tries to burn waste. I know we used to have one at Bergen Point.

I understand that there's been plans and thought about getting one back there, but I think the public is not particularly inclined toward incineration. And it's not the only way to handle sludge. There are other ways. Right now, I guess we are trucking and railing or trucking it somewhere and then it's going on some train that's going out, we're long hauling it somewhere. Some areas convert it to pellets that are used in fertilization. There are processes like pyrolysis that convert it to diesel in a closed system.

I don't •• you know, incineration typically •• the numbers aren't any better than trucking or railing. In fact, railing supposedly is 20th •• at least I've heard a 20th of the cost of trucking. I know we're taking it to a private company to get rid of it, maybe we should look into railing it ourselves somehow and maybe we could get some decent savings there. Can you inform me on the progress by which we came up with the idea that starting the incinerator again was the right thing •• the right way to go.

COMMISSIONER BARTHA:

From the time our forefathers were there that preceded Ben and I with the Southwest Sewer District, we were the only place in the Metropolitan area that has never ocean dumped sludge. It was initially designed with incinerators to allow us to be able to operate independently and environmentally sound. What happened over the •• the incinerators are a very high maintenance item, and we were able to keep up with that.

However, the air emissions standards changed. We found that it was going to be too costly to make the air emission changes that were necessary, the incinerators were nearing the ends of their useful life, and we still felt the concept of being able to be •• take care of own waste, because we're

concerned that federal regulations may change or that, you know, we're dependant on these different states where the waste trucked and if that stops. We are a relatively small player in the waste that gets trucked out of the area. As much as it's a problem on Long Island, New York City and areas like that •• we just want to be able take care •• that's the ultimate thing for us, we've got to be able to get of rid of sludge. We don't want a mountain of it at Bergen Point. So we felt that incineration, we could be independent.

CHAIRMAN SCHNEIDERMAN:

Did you look at some of the other alternatives?

MR. WRIGHT:

Yes. We have had consultants involved with us. And we, as I indicated earlier, we visited probably a dozen different facilities that were either pellatizing or alkaline stabilization incineration and composting etcetera. We originally had the consultant evaluate the process, look at the disadvantages and advantages, not necessarily cost estimates in detail. But our original plan was belt and suspenders where we were going to have incinerators plus alkaline stabilization, and we decided basically at the last minute when we got into the design that the incinerators would give us the maximum control, which really has got some intangible cost to it, because I know it's been brought up by Legislator Horsley, we're on the water, storms, etcetera. You know, we don't need 200 or more wet tons per day building up on the site of this material that could cause some significant public health and nuisance problems.

CHAIRMAN SCHNEIDERMAN:

Okay. I know some of the other technologies probably require larger

volumes than you're currently seeing at Bergen Point. You know, one thing might be worth exploring is to combine into a study with some of the others. There's about 3000 tons of solid waste that leave Long Island every day that go beyond the capacity of the four incinerators and get long hauled to Virginia, Ohio, Pennsylvania. And that maybe •• maybe combining the tonage we would be able to have enough volume to make some of these other technologies cost effective.

But in doing the numbers, what I wanted is to ask, if we were to privatize the incinerator, if we chose to go private and build the incinerator, there's number of unknown cost. They're going to require us to bring in our sludge. We are obviously a large producer of sludge. I don't know how much of the sludge we have at Bergen Point is ours versus other facilities, but now we're going to be paying for them to process our sludge, and then we are going to be paying for the electricity, right? We're going to be buying back electricity. And without knowing those costs, it's hard to say whether this is a good deal for Suffolk County or not; is that correct? We don't know those costs.

COMMISSIONER BARTHA:

That's correct.

CHAIRMAN SCHNEIDERMAN:

Whereas if we do the facility ourselves, we can at least control those costs to a certain extent.

COMMISSIONER BARTHA:

That's correct.

CHAIRMAN SCHNEIDERMAN:

Legislator D'Amaro.

LEG. D'AMARO:

Yeah, just to follow up on that then. What is the goal of the proposal to privatize?

COMMISSIONER BARTHA:

I'd defer to the Budget Office.

LEG. D'AMARO:

So it's strictly a financial consideration?

CHAIRMAN SCHNEIDERMAN:

We don't know that that's an overall savings. It saves from the Capital Budget, but it may add to the Operating Budget. We don't know whether we're going to end up ahead or behind.

LEG. D'AMARO:

Right. You know, until we know the numbers and the RFQ and the RFP go out, it's hard to say whether your •• whether it makes economic sense, I think. But, you know, there are some functions that government needs to perform, you know, similar to maybe maintaining our County parks. It just seems to me that municipal waste traditionally was always in the hands of government and not privatized, although there seems to be a trend towards doing that. But I think there are legitimate non financial reasons not to privatize that type of operation. I'm not going to reiterate them, Mr. Horsley went through them at length. But I think it's something we would have to think long and hard about even if it make economic sense. It would have to be a substantial savings to the County.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy.

LEG. KENNEDY:

Thanks, Mr. Chair. A lot of what, I guess, was going to go into was covered by my colleagues, but I just want to talk little bit, I guess, about some of the specifics. This incinerator is a separate capital project, right?

COMMISSIONER BARTHA:

Yes.

LEG. KENNEDY:

All right. That's CP what?

MR. WRIGHT:

8180.

LEG. KENNEDY:

8180. Okay. There's \$46 million in this capital project at this point, correct? It's been a multi-year capital project?

MR. WRIGHT:

There were other phases to it, one dewatering project that is under construction at this time that was initiated earlier this year.

LEG. KENNEDY:

Okay. Ben, you said something, I guess, in response to Legislator Schneiderman, I guess, that I really want to look at because I think it's important amongst all the other variables we're discussing. There has been planning work done relative to the construction of these new incinerators at this point prior to this proposal that's been floated.

COMMISSIONER BARTHA:

That's correct. The funds were appropriated, and Ben can tell us how much. But the funds were appropriate, the contracts were awarded design is

proceeding. In fact, we'll be prepared to bid •• if this does not go in this route, we would be prepared to bid the construction later this year. But I should point out that as the design has progressed and the price of steel has changed, etcetera, etcetera, that 46 million is not sufficient. The most recent cost estimate is \$61 million.

MR. WRIGHT:

That includes the 60 million for the incinerators and then a million two•fifty for assistance during construction. But that estimate is based on the mid point of construction, which is in 2008.

LEG. KENNEDY:

So you've built in some escalation factor there so it can be done without us having to view the cost overruns and things such as that?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

So approximately how much have we spent so far to get us to the point where we can go ahead and now let the RFP to actually go ahead and construct the project?

MR. WRIGHT:

I don't have the numbers for evaluations and, you know, preliminary reports, but the design function is probably \$900,000 to a million dollars, and we're 99% complete with that design.

LEG. KENNEDY:

All right. So for our discussion here, it's reasonable to say we have so far spent a million to get us to a point where we can go ahead and build the plant as we anticipated, that we own, that we operate and that we would be able to go ahead and know that we've got the capability to process our sludge without some of the vagaries of the market, this, that and the other thing? How much cost us to go ahead and ship it at this point?

MR. WRIGHT:

It's \$83.64 a wet ton, and in 2005, we shipped 170 wet tons a day, so that's, you know, approaching five and a half million dollars.

LEG. KENNEDY:

About five and a half million bucks?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

Okay. So it took us three to four years to get ahead and vet this privatization proposal, we can bet we would spend another 20 mill to go ahead and truck it off island, right?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

Okay. And steel, let's go back to last December, concrete and everything else is going up in price too, right, Charlie?

COMMISSIONER BARTHA:

That's correct.

LEG. KENNEDY:

Okay. So what we look at now, which would probably cost us about 61 million to build, in about four years from now we can estimate maybe a 20, 25% escalation. We'd be eyeball to eyeball with about 80, 85 mill at least.

COMMISSIONER BARTHA:

Absolutely.

LEG. KENNEDY:

Okay. So we have 20 mill more to truck it off and now the 20 to 25 mill more to go ahead and build what we're only six months away from being able to build now; is that right?

COMMISSIONER BARTHA:

From starting construction, we wouldn't be completed.

LEG. KENNEDY:

I understand that. But all of the planning and the prep and the architectural and the other stuff needed in order to let an RFP with our requirements is essentially within five to six month away from where we could be it by our self.

COMMISSIONER BARTHA:

I would just •• yes.

MR. WRIGHT:

I just want to make a point that the public hearing, that resolution that you

talked about earlier today, when that public hearing is held on June 13th, there's a findings resolution necessary and then we go to the State Comptroller. So the schedule is based on the Comptroller turning around an application in a couple of months so that we can appropriate funds by November and December and advertise for bit at that time.

LEG. KENNEDY:

I understand. And as a matter of fact, our discussion at this point is generally in general aggregates, general numbers. But all that being said and some of the back and forth we just talked about, this plan that's being put forth as a proposal to save the County money at this point will essentially guarantee that this venture has about \$45 million more associated with it, 20 million which will definitely come out of our pocket in order to ship the sludge. Tell me a little bit about what goes on after the sludge is burned, what happened with the ash?

MR. WRIGHT:

There's ash lagoons which dry it. There's two methods of drying; mechanical, which is a lot of maintenance, and lagoons, which we are going to construct, which dry them. And then about I'd say between five to 10% of the volume is ash, inert ash that gets exposed of on a landfill, which could be locally at Brookhaven.

LEG. KENNEDY:

There's arrangement and capacity and you've investigated that?

MR. WRIGHT:

We have an agreement with Brookhaven to take their leachate and bring ash back to them.

LEG. KENNEDY:

Okay. Let's go to the tipping fee schedule. Right now, we take waste from essentially 160 plants and then we also take it from just the scavenger waste haulers at large who are pumping out regular private systems wherever they may be, correct?

MR. WRIGHT:

Correct. And leachate.

LEG. KENNEDY:

Okay. And that fee schedule at this point, you've indicated, is essentially cost neutral predicated on your cost to operate and, I guess, what it is that they are bringing in.

COMMISSIONER BARTHA:

That's correct.

LEG. KENNEDY:

Okay. If we had to incur some additional expenditure here associated with construction of the plant, would it be reasonable to revisit that tipping fee schedule in order to accommodate that additional cost? We've talked about this before.

MR. WRIGHT:

The public hearing report indicates that we were presently •• in fact, the hearing is tomorrow •• increasing the tipping fee by \$16 per thousand gallons shipped to Bergen Point to cover 93% of the grid project. In 2008, our plan would be to increase the tipping fee by \$21 per thousand to offset the allocation of solids that goes toward the incinerator process. Forty eight percent of the solids that are generated would be burned, 48% of the capital project ammoritized would be associated with the tipping fee, and that's \$21 dollars per thousand in 2008.

COMMISSIONER BARTHA:

Which would be charged to the scavenger waste haulers and the deliverers of leachate to the treatment plant.

LEG. KENNEDY:

Now, is that capital project based on you estimate to construct at 61 mill?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

So you've already built in a projection as far as how to go ahead and offset whatever this increase in expenditure is to do the project under the current framework.

MR. WRIGHT:

The current financing •• we're using 4% in 20 years. You take \$61 million, that's \$4.4 million a year. Forty eight percent of that divided by the volume of scavenger waste that we get in is \$2.1 million a year.

LEG. KENNEDY:

Why did we hold at 48%?

MR. WRIGHT:

That's based on the actual numbers.

LEG. KENNEDY:

I'm curious how we get to this figure for the purposes of tweaking that income stream.

COMMISSIONER BARTHA:

Let me try to explain that. Because some of the sludge that's burned comes from the sewage from people in the district. That actually works out to be 52%. When you consider •• and it's not just like a straight volume thing, as Ben is pointing out, the solids associated with scavenger waste are much higher than the solids with normal sewage that comes into the plant.

LEG. KENNEDY:

And the residents in the district have a sewer tax at this point now.

COMMISSIONER BARTHA:

Correct.

LEG. KENNEDY:

So we're not going to look to go ahead and •• is that the factor, I guess, that you are trying to go ahead and balance off?

COMMISSIONER BARTHA:

They will continue to pay their share, which is only 52% of the total cost.

MR. WRIGHT:

The actual •• the way that the budget has been operating, and I would

except it to continue unless something changes with BRO or the County Executive's Budget Office, is that the stabilization fund limits the tax increase to 3% a per year. So regardless of the capital project, the increase would be 3% a year.

LEG. KENNEDY:

And any excess you would go ahead and you would access the funding in the stabilization fund?

CHAIRMAN SCHNEIDERMAN:

Can I jump in here?

LEG. KENNEDY:

Sure, Mr. Chair. I have a few more to go, but obviously, I'll yield.

CHAIRMAN SCHNEIDERMAN:

Well, I just wanted to know, let's say there's not Legislative support for privatizing the facility, right now we have a Capital Budget that doesn't have any money in for this project.

COMMISSIONER BARTHA:

Well, you do, you have \$46 million in the Capital Budget right now.

CHAIRMAN SCHNEIDERMAN:

But I thought it was stricken.

COMMISSIONER BARTHA:

It depends on how you adopt the budget.

CHAIRMAN SCHNEIDERMAN:

In the proposed Capital Budget I'm saying.

MS. VIZZINI:

The 46 million is in 2006. It's still there. This new document does not have the authority to strike those appropriations. It can only be done by resolution.

CHAIRMAN SCHNEIDERMAN:

Right. So what the County Executive is proposing in the 2007 Budget ••

MS. VIZZINI:

In the in idea, which shows ••

CHAIRMAN SCHNEIDERMAN:

Is the 46 million in the 2006 Capital Budget?

COMMISSIONER BARTHA:

Yes.

CHAIRMAN SCHNEIDERMAN:

All right. And so the County Executive is saying let's not spend it this year.

MS. VIZZINI:

Correct.

CHAIRMAN SCHNEIDERMAN:

Let's save this and also not put it in •• here's my concern. If we don't want to go the privatization route, and let's say we pass the Capital Budget, like the County Executive's Capital Budget, doesn't show any money in it for next year, where does that leave Public Works in terms of •• what if they didn't have a project, if there was no project, do you foresee problems with the places that we are trucking it now or shipping it to now suddenly saying, hey, we're not going to take any more or increase costs? Do we have to have to

have a project either private or public?

COMMISSIONER BARTHA:

We're not aware of any immediate restrictions, you know, that are proposed to come down. So, you know, I can see ••

CHAIRMAN SCHNEIDERMAN:

I'm trying to get a sense of urgency. What would happen if we pass the Capital Budget that didn't have, you know, either privatization or public incinerator?

COMMISSIONER BARTHA:

What I would say is these things don't get build overnight. So if we wind up with a problem a year from now trying to get rid of our sludge, it takes us several years to react, to build an incinerator. What we will have fortunately at this point, we will have a complete set of design plans.

CHAIRMAN SCHNEIDERMAN:

Okay. I'm sorry, Legislator Kennedy.

LEG. KENNEDY:

You bring out a good point. As a matter of fact, fortunately, fortunately because we passed the prior appropriations to spend a million dollars to get

those design plans. They didn't drop out of the air.

We talked a little bit before about just some general concerns associated with incineration. We are an EPA non attainment zone. What happens with the stack emission or •• and let's speak to what we know at this point, not necessarily, I guess, what's been put out there as this private whatever venture, but what you have studies and what you've got proposed at this point. How will you address the stack emissions so that we are compliant?

MR. WRIGHT:

There's Title 5 in the regulations, in the State DEC Regulations, that would provide for. And we are under negotiations with them to get that permit for the two new incinerators.

LEG. KENNEDY:

So we actually have a request in to the DEC right now as far as a permit for stack, stack operation?

MR. WRIGHT:

Yes.

LEG. KENNEDY:

All right. Here's a question for Gail and then I'll yield. Gail, what is the

current status of the original bond package or bonds •• series of bonds that was let to construct Southwest Sewer in the first instance?

MS. VIZZINI:

I know from previous reports that the debt services associated with those bonds will decrease considerably in 2009, but the precise figures I don't have.

LEG. KENNEDY:

So we can't anticipate relatively •• well, shortly •• actually, for us that is shortly •• that our annual obligations to pay on them will be depreciating, and yet will still have a revenue stream, I guess, that's coming in, vis a vis the tax that's levied on all of the district residents?

MS. VIZZINI:

Yes. There is an automatic 3% increase in the fees that the district residents have to pay in order to maintain their eligibility to receive monies from the assessment stabilization reserve.

LEG. KENNEDY:

Now, would a component of that •• or is it reasonable to say that that revenue extreme could go towards contribution to the cost associated with the burn plant construction?

MS. VIZZINI:

Absolutely. You would have to take into consideration the other projects that are also vying for that revenue. Right now, there's a fund balance of \$42 million in the assessment stabilization reserve fund. There is actually very little projected using those monies in the Capital Program. However, often in the sanitation projects things move forward and there is quite a bit of competition for those monies.

There's roughly \$27 million of new water quality money that comes in every year for Tax Stabilization Reserve. So money goes out to any number of the 22 districts to defer their capital costs and keep their rates to no more than 3%. And as they can, those district pay assessment stabilization back.

LEG. KENNEDY:

Okay. But it sounds like then we have a fairly viable methodology in place right now to go ahead and to address the cost to construct based on what we presently got appropriated, what we're anticipating as far as a decrease in the debt service associated with the existing bond stream and the balance in stabilization.

MS. VIZZINI:

You have a couple of things that we could try to project out in order to keep the impact of the project, the ratepayers paying no more than the 3%.

LEG. KENNEDY:

Fine. Okay. Last question, and this goes to something which Legislator D'Amato, I guess, spoke a little bit about and equally have great concerns, and that is the vulnerability that this County would be under were we to take this critical and unique function and put it into private hands. We have no place else to go with this unless we started to go ahead and put it into those cars again. If contractually, and several of us know, that the best contracts oftentimes will have parties who elect not to perform. During a period of non performance, we would be essentially captive, correct?

COMMISSIONER BARTHA:

That's pretty much a statement, and I have no issue with that statement.

LEG. KENNEDY:

Because the waste will continue to come there at this point six days a week. I've got one last question. What do they do when we're shut on whatever day it is, Sundays? Catering facilities, plants all over the County they continue to operate. Do they hold it at their locations?

COMMISSIONER BARTHA:

We take scavenger seven days a week.

LEG. KENNEDY:

Oh, you do?

COMMISSIONER BARTHA:

Yeah. And we hold it. We have equalization tanks there and the processing •
• the equalization tanks are how big, Ben?

MR. WRIGHT:

500,000 gallons.

COMMISSIONER BARTHA:

Half a million gallons.

LEG. KENNEDY:

Last, last question. You talked a little bit before about the possibility to go ahead and take waste from Nassau or elsewhere. You have a projected lifetime on these new replacement units predicated on operating 14 hours a day, six days a week. Sure we could run 24/7, I guess, but would shorten the expected life span, wouldn't it?

COMMISSIONER BARTHA:

Yes.

LEG. KENNEDY:

Okay. Fair enough, gentlemen. Thank you very much for the education.

LEG. HORSLEY:

Okay. Just one more quick thing if I may, Mr. Chair. I just want to get let you guys know that I have asked Budget Review to take a look at the dollars as far as what the cost may be to the ratepayers involving this privatization scheme.

CHAIRMAN SCHNEIDERMAN:

Can I ask you on different subject very quickly, on Third House, has the work commenced yet?

COMMISSIONER BARTHA:

That's a much more pleasant subject.

CHAIRMAN SCHNEIDERMAN:

We'll see.

COMMISSIONER BARTHA:

They have started to mobilize to start the work.

CHAIRMAN SCHNEIDERMAN:

I got a call from the Shakespeare people as I know Commissioner Foley has. And we said, look, you can use the park, or you can't •• you know, to hold your performances, they do Shakespeare in the park, but they normally have been housed in the cabins. And they've been told they can't use the cabins because the contractors are using all the cabins. I just want to get confirmation. Are the contractors using all the cabins. Are there any available for the Shakespearian performers? If you can get back to me on that. If you want me to talk directly to the contractor, I'm happy to do that.

COMMISSIONER BARTHA:

No. No. That's fine. I will look into that.

CHAIRMAN SCHNEIDERMAN:

You know, they're really searching for places. Obviously, it's a tourist community out in Montauk and the costs are •• you know, things aren't available, and what is available is extremely expensive and prohibitively expensive. They're looking at bringing campers on to the site and doing everything they can. But if there are a couple of cabins that aren't being used, please let me know. Any other?

LEG. HORSLEY:

My last, last.

CHAIRMAN SCHNEIDERMAN:

You mean your last, last wasn't your last?

LEG. HORSLEY:

Resolution 1492, I wanted to go back to that. What is that? And what does it do?

CHAIRMAN SCHNEIDERMAN:

Is this another scavenger one?

LEG. HORSLEY:

Of course it is. I just didn't •• I wanted to make sure that we all ••

COMMISSIONER BARTHA:

This is another one I deferred on. I'm going to defer on this. This is proposed by the County Executive's Office. It requires that every •• before a new district is established or an existing district is improved or expanded that the Sewer Agency approves it first.

LEG. HORSLEY:

Before the Legislature.

COMMISSIONER BARTHA:

Before the Legislature.

LEG. HORSLEY:

But does it take away •• are we giving away our oversight?

COMMISSIONER BARTHA:

I don't think it gives it away, but •• well, in a sense •• I'm not going to answer. I'm going defer to Counsel on that.

CHAIRMAN SCHNEIDERMAN:

We scheduled the public hearing? We tabled it for a public hearing?

LEG. HORSLEY:

Right. I think we did.

CHAIRMAN SCHNEIDERMAN:

Legislator Kennedy, is it on the same?

LEG. KENNEDY:

Yeah, it is. Having just gone through this with a condominium complex in my district recently, the establishment of a new sewer district is a fairly detailed and comprehensive process now and one governed by state law, isn't it? I mean, the steps we just followed we took basically out of state statute.

COMMISSIONER BARTHA:

Yes.

LEG. KENNEDY:

So I wonder about this piece of legislation and where it would harmonize with the state legislation. Also, the bill that I just tabled earlier today to expand the operation for Sewer District Six, would that be something that would be subject to this bill?

MR. WRIGHT:

It should be, the way it's worded. In fact, Country Pointe was the project you eluded to. I mean, that was something that was passed through the Sewer Agency.

LEG. KENNEDY:

Right. Right. My understanding is that there's sewer Agency involvement quite a bit at this point with what we look to do as far as the various sewer districts.

CHAIRMAN SCHNEIDERMAN:

All right. Anyone else?

LEG. D'AMARO:

I had a question, but I'm not going to ask it.

CHAIRMAN SCHNEIDERMAN:

Thank you, legislator D'Amaro. It's almost 5:00.

COMMISSIONER BARTHA:

You are our favorite Legislator today.

CHAIRMAN SCHNEIDERMAN:

I've got the longest ride home, so I'll make a motion to adjourn •• actually, I should say, is there anyone else from our studio audience who wishes to say anything? Good. Terrific. There's a motion to adjourn by Legislator D'Amaro seconded by Legislator Browning. Thank you. We are adjourned.

(* THE MEETING WAS ADJOURNED AT 4:50 P.M.*)

{ } DENOTES BEING SPELLED PHONETICALLY